

By Mr. GRONNA: Petition of citizens of North Dakota, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of Hub Mercantile Co. and six others, of Worthington, and G. W. Gruweel and six others, of Dunnell, in the State of Minnesota, against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of A. A. Peterson and 21 others, of Klester, Minn., against removal of the tariff on barley; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of Foster County, N. Dak., for the Hanna bill (H. R. 26791) providing additional compensation to rural free deliverers; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of citizens of first congressional district of Oregon, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Astoria (Oreg.) Central Labor Council, for exclusion of all classes of Asiatics; to the Committee on Immigration and Naturalization.

Also, petition of C. B. Fitzgerald and A. B. Camp, against the Sunday observance bill; to the Committee on the District of Columbia.

By Mr. HOWELL of Utah: Petition of W. L. Grover and others, of Garland; of James Thompson, Oran Lewis, and others, of Spanish Fork, in the State of Utah, against the establishment of a local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Newton, New Sharon, Kilduff, Sully, Lynnville, Searsboro, Prairie City, Monroe, Reasnor, and Galesburg, in the State of Iowa, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of Swedish Evangelical Lutheran Church of Aledo, Ill., for passage of the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of Charles Wellman and 26 other business firms of Port Huron, Mich., against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Sterling and Lincoln, Nebr., favoring the local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of William De Olie & Co., of Philadelphia, against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

By Mr. PRAY: Petition of 130 retail merchants and others of Roundup, Mont., against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: Petition of American Federation of Labor, against the tax of 10 cents per pound and favoring 2 cents per pound on oleomargarine; to the Committee on Agriculture.

By Mr. SHEFFIELD: Petition of the Town Councils of Portsmouth and North Kingstown, R. I., favoring Senate bill 677, for retirement of officers and members of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Peter Whalen; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of L. P. Maxham and 38 others, of Clarkston, Mich., against raising postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of Study Club of Forrest, Ill., for modification of the tax on oleomargarine from 10 cents per pound to 2 cents per pound; to the Committee on Agriculture.

Also, petition of Smith Dry Goods Co. and others, of El Paso, Ill., against a local rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of prominent citizens, churches, and societies of Le Roy, Island Grove, Cameron, Washburn, Oswego, Meredosia, Geneva, Harvard, Elgin, Onarga, Bloomington, Flora, and Heyworth, all in the State of Illinois, favoring the Miller-Curtis bill (H. R. 23641); to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Local Union No. 61, Painters, Decorators, and Paperhangers, St. Paul, to amend the oleomargarine law by repeal of the tax of 10 cents per pound; to the Committee on Agriculture.

By Mr. SULZER: Petition of R. L. De Graff, favoring the Esch phosphorus bill, H. R. 30022; to the Committee on Ways and Means.

Also, petition of Religious Society of Friends, deploring the proposal to fortify the Panama Canal; to the Committee on Railways and Canals.

Also, petition of Theo. Sutro, for House bill 9137, for a monument at Germantown commemorating first German settlement in America; to the Committee on the Library.

By Mr. TOWNSEND: Petition of men's class of the Methodist Episcopal Church, Tecumseh, Mich., for House bill 24641; to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: Petition of citizens of the sixth Wisconsin congressional district, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, January 21, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. DAVIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Hale	Perkins
Beveridge	Culberson	Heyburn	Scott
Borah	Cullom	Johnston	Simmons
Bristow	Cummings	Jones	Smith, Md.
Brown	Curtis	Kean	Smith, Mich.
Burkett	Davis	La Follette	Smoot
Burnham	Dick	Lodge	Stephenson
Burrows	Dillingham	Martin	Sutherland
Burton	Dixon	Money	Taliaferro
Carter	Elkins	Nixon	Terrell
Chamberlain	Flint	Oliver	Tillman
Clapp	Foster	Overman	Warner
Clarke, Ark.	Frye	Page	Warren
Crane	Gamble	Percy	Wetmore

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. A quorum of the Senate is present.

MEMORIAL ADDRESSES ON DECEASED SENATORS.

Mr. BACON. Mr. President, I desire to give notice, speaking for my colleague and myself and also for the Senators from Iowa, that on Saturday, the 18th day of February, we shall ask the Senate at half past 2 o'clock to suspend the ordinary business for the purpose of listening to tributes to be paid to the memory of my former colleague, Mr. CLAY, and of the former Senator from Iowa, Mr. DOLLIVER.

Mr. HALE. Mr. President, the announcement made by the Senator from Georgia leads me, in the interest of the dispatch of business, to make a request of Senators representing the States where Members of this body have died since the close of the last session. It is a sad and melancholy roll. Six Senators, representing different States, have disappeared by death.

What I was going to suggest to the Senator from Georgia and to other Senators representing those States is that they agree upon two Saturdays as early in February as possible, so that it will not be in the jam of the last few days, when all of the eulogies can be taken up. I had hoped that one Saturday might suffice, but I am satisfied that it will take two full sessions, and Saturdays are the best days, commencing, if necessary, at 11 o'clock.

Connected with that are also eulogies which will be presented for deceased Members of the House, and the Senators who take these matters in charge can confer with Senators representing those States. I should hope the Senator from Georgia [Mr. BACON], the Senator from Virginia [Mr. MARTIN], the Senator from Iowa [Mr. CUMMINS], the Senator from Louisiana [Mr. FOSTER], the Senator from Colorado [Mr. GUGGENHEIM], and the Senators from each of the States who will be interested in these eulogies will put their heads together and see if they can not arrange for a program of eulogies covering not only, as the Senator proposes, certain deceased Senators, but covering all the eulogies, to be embraced in the entire session of two Saturdays as early as possible.

I did not catch what date the Senator had suggested.

Mr. BEVERIDGE. The 18th of February.

Mr. HALE. And how many deceased Senators did his suggestion cover?

Mr. BEVERIDGE. Two.

Mr. BACON. When the Senator is through I will be glad to make a statement.

Mr. HALE. I can not get through until I understand what was the Senator's proposition.

Mr. BACON. The matters the Senator has presented to the Senate had not escaped the attention of Senators who are more immediately interested in these proposed proceedings. We have had various conferences, and we have endeavored to make the request of the Senate in such a manner as not to materially interfere with the business of the Senate. For this reason we have proposed that the eulogies shall be had as to two Senators upon the same day, where we naturally would prefer one separate day for each, and we have suggested that a definite hour be fixed for the beginning of them in the afternoon, in order that if on the day preceding, for instance, it was found that time could be utilized in the Senate, it could convene at an earlier hour, say, at 10 o'clock, if need be, and in that way the day would not be lost. The matters suggested by the Senator have not escaped the consideration and the careful attention of the Senators who had these matters to formulate.

The senior Senator from Iowa and myself and my colleague, the other Senator from Iowa being absent, have agreed that we would endeavor to present the tributes to the former Senator from Georgia, Mr. CLAY, and the former Senator from Iowa, Mr. DOLLIVER, upon the same day. Doubtless the Senators from Louisiana and the Senators from Virginia will make a similar request with reference to the late Senators DANIEL and McENERY. What the purpose is as to the Senators who have died during the present session I am not informed.

Mr. HALE. The date fixed by the Senator from Georgia is the 18th?

Mr. BACON. The 18th.

Mr. HALE. Saturday, the 18th?

Mr. BACON. Saturday, the 18th, at half past 2 o'clock, the purpose being, I repeat, in fixing it at that hour, to give time for tributes during the afternoon and at the same time to give the opportunity to the Senate to do a day's work on that day by convening earlier if it shall see fit to do so.

Mr. CLAPP. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. The Senator from Maine has the floor.

Mr. HALE. I yield to the Senator.

Mr. CLAPP. Mr. President, I wish to make a suggestion. I do not know whether it has been considered by the Senate in prior years or not, but I understand the House has a custom of holding these services on Sunday. It strikes me that unless there is some strong reason why it should not be done Sunday is a much more appropriate day for this kind of services. I simply make the suggestion for what it may be worth to the Senator from Georgia.

Mr. BACON. I beg the Senator's pardon; I did not know that he was addressing his question to me.

Mr. CLAPP. I was going to make a suggestion, unless it is a matter that previously may have been considered by the Senate, and that is that services of this kind ought to be held on Sunday.

Mr. BACON. I do not agree with the Senator about that.

Mr. CLAPP. Very well.

Mr. HALE. That has never been done.

Mr. CLAPP. It has never been done?

Mr. HALE. The House of Representatives has adopted that plan and saves its business days. My suggestion is only in the interest of, in a fitting way, disposing of these eulogies covering the senatorial exercises and the resolutions upon the House Members.

I can do nothing more, Mr. President, than suggest again to the Senate the importance of conserving the time of the Senate. There are many of these memorial exercises to be held, and nobody wants to interfere unduly with the desires of Senators having charge of these matters. There is nothing more that I can do except to ask all of these Senators, not simply the Senator from Georgia [Mr. BACON] and the Senator from Iowa [Mr. CUMMINS], but all of the Senators representing the States of the six deceased Senators, to see if they can not agree upon some program that will be satisfactory to them, to the friends, and to the families who may desire to be here, to have the exercises put together as much as possible in order not to interfere and not to come in at a time when the Senate will be jammed as it never has been before. There are 11 great appropriation bills not one of which has been considered by this body.

We have got to give great care and attention and time to them, and hold early and late sessions in order to get them through. All I ask is that Senators who represent the States interested in these eulogies shall try to help the business of the Senate so far as they can.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Iowa?

Mr. HALE. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, we have considered the suggestion made by the Senator from Maine, and it seems to us, in view of the number of Senators who would probably desire to speak upon these occasions, that it would be impossible to hold upon two days the memorial exercises for all the Senators who have died since the last session.

The Senator from Maine will remember that it has been customary in the Senate for 10 or 12 Senators to speak in the memory of each one who has died; and if he will reflect a moment he will see that to crowd 36 or 40 such speeches into one session would both destroy, to some extent, I think, the solemnity of the exercise and would be asking probably too much of the Senate to listen to so long a series of remarks.

This has led us to believe that the better way would be to devote a part of one day to exercises concerning two of these Senators, and, as suggested by the Senator from Georgia [Mr. BACON], to have these exercises in each case follow a session of the Senate in which much might be accomplished, especially if it were ordered that we should meet at 10 o'clock or 11 o'clock upon that day instead of 12. I really think that due regard for the memory of these distinguished men will not permit any more to be put into one day than has been suggested by the Senator from Georgia.

Mr. HALE. Mr. President, I have nothing further to say about the matter. It must largely rest with the Senators representing these States. They are no more interested in the general business of the Senate than I am and I am no more interested than they are, and having called the attention of the Senate to the matter and the stress of weather that we will be under during the month of February, I am entirely willing to leave it to the good sense and discretion of those Senators.

Mr. LODGE. Mr. President, I have thought for some time past that the arrangement of the House of Representatives for delivering eulogies upon deceased Members upon Sunday was a very wise one. It seems to me in the highest degree appropriate and it avoids what used to be seen in the House, and what we often see here in the case of eulogies on Members of the House, that they are crowded in at the end of a busy day, in a perfunctory manner, and are treated with what seems to me perhaps a lack of the respect which should accompany them. If we can hold these services—which are memorial services of the most solemn character—as the House holds them, on Sunday, there will be ample time to take a day for each, if it were desired, or for two or three, and I think that it would be a great deal better, more dignified, and more respectful. In view of the fact that we have the misfortune this year to have a number of Senators for whom we must hold these services in the crowded weeks of a short session, it seems to me that this would be a very good time to make the change.

There are also a number of Members of the House who have died in regard to whom we must take similar action. There are two from my State alone, and there are others from other States. I think that we can provide for them much more becomingly by having the services on Sunday than by attempting to have the eulogies delivered in the weeks crowded with business, in the midst of the rush of appropriation bills, when every hour is needed to transact the public business and secure an adjournment on the 4th of March. I hope that we can come to some conclusion of that kind in regard to eulogies which are to be pronounced before the session closes.

Mr. HEYBURN. Mr. President, in connection with the subject that has just been under discussion, I would submit the inquiry whether or not there is any objection to us holding a session of the Senate as an ordinary session on Sunday. I do not think there is. If there is not, then I think we should recur to the practice that was in vogue when I came to the Senate, of holding these memorial exercises on Sunday in a regular legislative day. When I came to the Senate memorial services were being held on Sunday.

Mr. BEVERIDGE. That is necessarily all within the power of Senators whose colleagues have departed. I think those Senators have it thoroughly in mind, and when they get together I have no doubt that they will agree. It is not possible at this juncture to do more than the Senator from Maine and other Senators have done—that is, merely to suggest this course. Senators whose colleagues have departed will, of course, decide as to the manner in which they desire to proceed.

Mr. HEYBURN. Mr. President, it occurred to me that what was done should be done officially. If we may sit officially and

legally on Sunday, it would be in order to have this class of services on that day. If we can not, it seems to me it would contain a certain element of derogated disrespect to hold these services on a day that was not of full legal import.

Mr. BEVERIDGE. My suggestion merely was that if that were to be done, of course it would be done upon the request of some Senator whose colleague has died.

Mr. HEYBURN. Oh, Mr. President, we are discussing the question in the abstract now.

Mr. BEVERIDGE. I think we are.

Mr. HEYBURN. Well, Mr. President, I do not suppose that the Senator intends to express disapprobation or to administer a rebuke.

Mr. BEVERIDGE. Not at all.

Mr. HEYBURN. If he does, I think I will have something to say about that.

Mr. BEVERIDGE. Not in the least.

Mr. HEYBURN. It is in order for any Senator to speak upon any subject that is before the Senate, and there is no Senator here, whatever his dignity in his estimation or that of the public or of the Senate may be, that is authorized to classify Senators.

SENATOR FROM MASSACHUSETTS.

Mr. CRANE presented the credentials of HENRY CABOT LODGE, chosen by the Legislature of the State of Massachusetts a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

George W. Brown and sundry subnumbered cases, Portsmouth (N. H.) Navy Yard, *v. United States* (S. Doc. No. 770);

Angelina Scarf, executrix of Thomas T. Scarf, deceased, and sundry subnumbered cases, Washington (D. C.) Navy Yard, *v. United States* (S. Doc. No. 771);

Mary Kibbey Diven, daughter and sole heir of James O. Kibbey, deceased, and sundry subnumbered cases, Washington (D. C.) Navy Yard, *v. United States* (S. Doc. No. 772);

Elizabeth Siegfried, widow (remarried) of Robert Serro, deceased, Philadelphia (Pa.) Navy Yard, *v. United States* (S. Doc. No. 774); and

Robert Dugan and sundry subnumbered cases, Pensacola Navy Yard and Washington (D. C.) Navy Yard, *v. United States* (S. Doc. No. 773).

The foregoing conclusions were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Typographical Union No. 90, of Richmond, Va., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the State Teachers' Association of Illinois, remonstrating against the enactment of legislation proposing to extend the benefits of the Morrill Acts to the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PERKINS. I present a joint resolution of the Legislature of the State of California, which has been transmitted to me by wire. I ask that the telegram be read and referred to the Committee on Industrial Expositions.

There being no objection, the telegram was read and referred to the Committee on Industrial Expositions, as follows:

JANUARY 20, 1911.

HON. GEORGE C. PERKINS,
United States Senator from California,
Capitol, Washington, D. C.

SIR: We are hereby directed to transmit the following joint resolution No. 3, which was passed unanimously this 20th day of January, 1911, and request you to hand a copy of the same to Hon. FRANK P. FLINT, also one copy to each of the eight Congressmen:

Assembly joint resolution 3.

Whereas there is now pending in Congress a resolution directing the President of the United States to transmit to the nations of the world an invitation to participate in the celebration of the completion of the Panama Canal at the Panama-Pacific Exposition, to be held in the city of San Francisco during the year 1915; and

Whereas there has now been pledged by the State of California, the city of San Francisco, and by citizens of this State and residents of that city the sum of \$17,500,000 to be expended in furthering the success of such exposition and proper celebration of the completion of the greatest governmental work in the history of the world; and

Whereas the State of California deems itself possessed of ample funds, now available, together with almost inexhaustible resources to

replenish the same or add thereto if necessary without the necessity of Federal aid of any kind or character; and

Whereas it further appears that California's Representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested; and in pursuance of such assurance and in furtherance of such pledge: Be it, therefore,

Resolved by the senate and assembly of the State of California, That we the representatives of the people of the State of California do hereby agree that in the event that Congress shall adopt the resolution above referred to the Government of the United States shall neither be asked nor requested to donate, lend, or appropriate any sum of money or assist in any financial way toward the success or in furtherance of the plans of such exposition; and we do further pledge the good faith and credit of the State of California to take all proceedings and do all things of every kind and character deemed necessary or proper to further the success of this exposition and to secure the greatest celebration in the world's history to commemorate the completion of this greatest national achievement—the Panama Canal; that our Senators and Representatives in Congress be, and they are hereby, requested and directed to bring this resolution to the attention of Congress; that the governor be requested to forward a copy of the foregoing preamble and of these resolutions to the President of the United States and the Secretary of State; that a copy of the foregoing preamble and resolutions be forthwith transmitted by wire to our Senators and Representatives and to our Senators and Representatives elect.

A. J. WALLACE,
President of Senate.
WALTER N. PARISH,
Secretary of Senate.
A. H. HEWITT,
Speaker of Assembly.
L. B. MALLERY,
Chief Clerk.

Mr. PERKINS presented a petition of the National State Grange, Patrons of Husbandry, of Concord, N. H., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented a petition of Harmony Council, No. 10, Daughters of America, of Wheeling, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of West Fork Lodge, No. 677, Brotherhood of Railroad Trainmen, of Weston, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Piedmont Grocery Co., of Piedmont; of Hagen, Ratcliff & Co., of Huntington; and of the Gregg Grocery Co., of Weston, all in the State of West Virginia, praying for the enactment of legislation relative to the tax on white phosphorus matches, which were referred to the Committee on Finance.

Mr. NIXON presented memorials of sundry citizens of Beowawe, Mason, Palisade, and Winnemucca, all in the State of Nevada, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM. I present a telegram from the National State Grange of New Hampshire, which I ask may be read and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegram was read and referred to the Committee on Post Offices and Post Roads, as follows:

CONCORD, N. H., January 20, 1911.

HON. HENRY E. BURNHAM,
United States Senate, Washington, D. C.:

The National Grange emphatically reaffirms its demand for a general parcels-post law applying to all post offices in the country. It favors the adoption of the special parcels post on rural routes, and urges immediate enactment by Congress of legislation for this purpose.

N. J. BACHELDER,
T. C. ATKESON,
AARON JONES,
Legislative Committee.

Mr. BULKELEY presented a petition of Charter Oak Camp, No. 22, Woodmen of the World, of Hartford, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented a petition of sundry citizens of Aberdeen and Hoquiam, in the State of Washington, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

Mr. BRISTOW presented memorials of sundry citizens of Junction City, Hutchinson, Athol, Elmont, Topeka, Blaine, and Bird City, all in the State of Kansas, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a petition of Local Lodge No. 742, Modern Brotherhood of America, of Pardee, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter,

which was referred to the Committee on Post Offices and Post Roads.

Mr. BORAH presented petitions of Local Lodge No. 2878, of Harrison; Local Lodge No. 2865, of Hope; Local Lodge No. 2630, of South Boise; Local Lodge No. 1071, of Payette; Local Lodge No. 1135, of Emmett; and of Local Lodge No. 2753, of Twin Falls, all of the Modern Brotherhood of America, in the State of Idaho, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a petition of sundry citizens of Kimball, Kans., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 742, Modern Brotherhood of America, of Pardee, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURKETT. I present a resolution adopted by the house of representatives of the legislature of the State of Nebraska, which I ask may be printed in the Record and referred to the Committee on Industrial Expositions.

There being no objection, the resolution was referred to the Committee on Industrial Expositions and ordered to be printed in the Record, as follows:

Whereas Congress now has under consideration the selection of a location for the Panama-Pacific Exposition to be held in 1915 and will act in reference thereto within a few days; and

Whereas both the cities of San Francisco and New Orleans are desirous of being selected as the place for holding said exposition; and

Whereas our Senators and Representatives in Congress, no doubt, desire to be advised as to the wishes of the people of Nebraska: Therefore be it

Resolved, That this house hereby expresses to our Senators and Representatives in Congress its preference for New Orleans. In expressing this choice we take into consideration the following material facts:

First: That New Orleans is located at a point as near as practicable to the canal and as near as possible to the center of population, and would meet the convenience of the largest number of people.

Second. New Orleans is about 500 miles from the center of population, whereas San Francisco, which is competing with New Orleans, is over 2,000 miles from such center.

Third. That quite a large number of our citizens have interests in the Gulf coast country.

For these reasons, as well as many others, we express our preference for New Orleans.

The chief clerk of this house is directed to send a copy of this resolution to each of our Senators and Representatives.

Mr. BURKETT presented the petition of E. A. Yontz, adjutant general of Russell Post, No. 77, Grand Army of the Republic, of Fairbury, Nebr., and a petition of Stram Post, No. 201, Department of Nebraska, Grand Army of the Republic, of Plymouth, Nebr., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented the memorial of Jerome Shamp, of Lincoln, Nebr., remonstrating against the passage of the so-called rural parcels bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Nebraska City, Nebr., remonstrating against the adoption of an amendment to the Constitution recognizing the Deity, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 9902) for the construction of a chapel in or near the military reservation within Yellowstone National Park, reported it without amendment and submitted a report (No. 992) thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to which was referred the bill (S. 9707) to authorize the extension of Lamont Street NW., in the District of Columbia, reported it with amendments and submitted a report (No. 993) thereon.

He also, from the same committee, to which was referred the bill (S. 8300) to authorize the extension of Seventeenth Street NE., reported it with an amendment and submitted a report (No. 994) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 1882) for the relief of the estate of Antonia Sousa, deceased, reported it without amendment and submitted a report (No. 995) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 9125) authorizing the Secretary of War to convey the outstanding title of the United States to lots 3 and 4, square 103, in the city of Washington, D. C., reported it with an amendment and submitted a report (No. 996) thereon.

He also, from the same committee, to which was referred the bill (S. 8910) to receive arrearages of taxes due the District of Columbia to July 1, 1908, at 6 per cent in lieu of penalties and costs, reported it without amendment and submitted a report (No. 997) thereon.

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill (S. 7355) authorizing the Winnebago Tribe of Indians to submit claims to the Court of Claims, reported it without amendment and submitted a report (No. 998) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 10354) relating to the removal of employees of the Government under civil service; to the Committee on Civil Service and Retrenchment.

A bill (S. 10355) granting an increase of pension to Jens C. Jensen; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 10356) to provide for the purchase of a site and the erection of a public building thereon at Chamberlain, in the State of South Dakota; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 10357) authorizing the Secretary of the Interior to issue patent to David Eddington covering homestead entry; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 10358) granting an increase of pension to Fannie S. Haskell (with accompanying papers);

A bill (S. 10359) granting an increase of pension to Dennis Morean (with accompanying paper); and

A bill (S. 10360) granting an increase of pension to Michael Wiar (with accompanying papers); to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 10361) to incorporate the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. PERKINS:

A bill (S. 10362) for the relief of Thomas B. Hanoum; to the Committee on Military Affairs.

By Mr. SCOTT:

A bill (S. 10363) to amend and correct the military record of Henry H. Willis; to the Committee on Military Affairs.

By Mr. TALIAFERRO:

A bill (S. 10364) for the relief of William Mickler; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 10365) regulating the manner of appointing postmasters of the first, second, and third classes; to the Committee on Post Offices and Post Roads.

PENSIONS AND INCREASE OF PENSIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, etc., which was referred to the Committee on Pensions and ordered to be printed.

Mr. JONES submitted two amendments intended to be proposed by him to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, etc., which were referred to the Committee on Pensions and ordered to be printed.

RIGHTS OF WAY THROUGH PUBLIC LANDS.

Mr. DIXON. I should like to ask unanimous consent to call up the bill (S. 7713) relating to rights of way through certain reservations and other public lands. I do this on account of the urgency of the situation. It is a unanimous report, and there will be no debate upon it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana for the present consideration of the bill indicated by him?

Mr. BEVERIDGE. Does the Senator ask that during morning business?

Mr. DIXON. Morning business has just closed.

Mr. BEVERIDGE. I did not know that. Is the bill a long one?

Mr. DIXON. No; it is a very short one; it is a unanimous report; and I ask for its consideration on account of the urgency of the situation.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

Mr. SMOOT. I should like to ask the Senator from Montana whether the bill is reported with the amendments upon which the committee agreed.

Mr. DIXON. Yes, sir; with the same amendments.

The VICE PRESIDENT. The amendments will be stated.

The amendments of the Committee on Public Lands were, on page 1, section 1, line 9, after the word "for," to insert "poles and lines for;" in line 10, after the word "purposes," to strike out "and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits used to promote irrigation or mining or quarrying, or for the manufacture or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses;" on page 2, line 4, before the word "feet," to strike out "fifty" and insert "ten;" in line 5, after the word "such," to strike out "pipes and pipe lines;" and after the word "interest," in line 15, to strike out the following proviso: "Provided further, That all permits heretofore given hereunder, for telephone and telegraph purposes, shall be subject to the provisions of title 65 of the Revised Statutes of the United States and the amendments thereto, regulating rights of way for telegraph and telephone companies over the public domain," so as to make the section read:

That the Secretary of the Interior be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period of 50 years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes to the extent of 10 feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such permit shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest.

The amendments were agreed to.

Mr. SMOOT. I should like to ask the Senator from Montana whether the bill simply confines it to the transmission of electricity by pole lines.

Mr. DIXON. Just simply by pole lines.

Mr. SMOOT. I have no objection to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

Mr. BEVERIDGE. Mr. President, I desire to ask the Senator from Michigan [Mr. BURROWS] a question. Is he prepared at this time to submit or enter a motion in conformity with the report of the majority of the committee in the election case to discharge his committee from the further consideration thereof?

Mr. BURROWS. I understood the Senator from Indiana had offered a resolution which is now pending.

Mr. BEVERIDGE. I have submitted a resolution, but not yet offered it. But I assumed, of course, that unless the Senator takes the position that the concluding paragraph of the majority report itself involves a motion or itself is a motion, that after the conclusion of his address the other day he would submit a motion. So I wanted to inquire what was the Senator's intention in that respect.

Mr. BURROWS. I have no such intention now.

Mr. BEVERIDGE. Mr. President, I ask, then, that on the 31st day of January, which is Tuesday—one week from next Tuesday—before the adjournment upon that legislative day, the report of the majority, now on the table, and all resolutions and motions that may be made thereon, shall be taken up and voted on and finally disposed of. I make that request for unanimous consent.

Mr. HALE. On what day?

Mr. BEVERIDGE. The 31st of January, Tuesday—that is, one week from next Tuesday.

Mr. HALE. Tuesday a week?

Mr. BEVERIDGE. Yes.

Mr. BURROWS. Mr. President, it is within my personal knowledge that half a dozen Senators at least desire to be heard on this matter, and the Senator himself also desires to be heard.

Mr. BEVERIDGE. I do not know about that.

Mr. BURROWS. In view of the fact that so many desire to be heard, and also the press of appropriation bills, which will probably take precedence, I can not at this time consent to the fixing of a date.

Mr. BEVERIDGE. Mr. President, what the Senator has last said—and I think this is a subject which deserves the very

serious and immediate consideration of the Senate—that appropriation bills will be coming in, a fact we all know, and that the congestion of business has now become a log jam—there seems to be in sight at least no loosening of it—it is highly appropriate, in furtherance of public business, if indeed not absolutely necessary, that the Senate should agree upon some method of settling this matter.

Concerning debate, I think I voice the opinions of all who can not concur in the report of the majority of the committee when I say they are ready to vote now or at any other time.

I want to call the attention of the Senate to the fact that this is not an unreasonable request—far from it. The first public hearing in this case was on September 22, 1910. The committee adjourned in Chicago on October 8, having taken all of the testimony except the testimony of one witness, that of Wilson, who could not be, I will not say apprehended, but who could not be gotten hold of.

They finally got hold of Mr. Wilson and examined him in Washington on December 7. The date of the report of the majority of the committee was December 21. So that we have practically three months' knowledge of the whole case by the members of the subcommittee who with such diligence took the testimony.

The Senate will remember that I thought it only reasonable that the other members of the committee should have at least the holidays for examining the great volume of testimony in the case. But that was not deemed wise by the full committee. The majority would not allow even that two weeks. So the report was brought in on December 21.

On January 9, immediately after the holidays, the minority views were filed. It was immediately followed by an exhaustive speech against the report of the majority; then, the next day, January 10, by an exceedingly comprehensive, careful, and accurate address by the Senator from South Dakota [Mr. CRAWFORD], analyzing the testimony in this case with rare and impressive ability and skill. This powerful address also was against the majority report.

Yet nothing was heard from the majority of the committee in support of its report until January 18, practically three weeks from the time the majority report was filed. Thus it appears that with more opportunity for information than anybody else possibly could have, with far more time to prepare, not only weeks but months elapsed before the first speech in support of the majority report was laid before the Senate, although other Senators promptly took the floor in opposition thereto with speeches showing great research and careful analysis. I had been informed that the Senator from Kentucky [Mr. PAYNTER] would proceed yesterday, and then that he would proceed on Tuesday, and now notice is given that he will not proceed until Wednesday.

The Senator from Michigan now says there are at least six or seven others who desire to speak. The hiatus between the Senator's speech and the speech of the Senator from South Dakota on Monday is three or four days; the hiatus between that and the next one is two or three days.

If this goes on, when will we arrive at a vote? With the number of speeches which the Senator says he personally knows must be heard, and if these lapses of time occur between each, it is perfectly clear, as a mathematical proposition, that this matter is going to be caught in the clutch of the appropriation bills, the legislative exigencies of which have been noticed here by other and older Senators and are familiar to all.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. BEVERIDGE. I do yield.

Mr. CUMMINS. I desire to ask a question for information. As I understand, the Senator from Michigan bases his objection to the request made by the Senator from Indiana upon the ground that there are several Senators who yet desire to be heard. Is it not true that if the consent for which the Senator from Indiana asks were granted and the subject disposed of on the 31st of January, every Senator who desires to speak upon it could speak upon it before a vote was had?

Mr. BEVERIDGE. Of course that would be entirely under the control of Senators who wish to speak.

Mr. CUMMINS. Therefore it seems to me that the reason given by the Senator from Michigan is not a valid reason for objecting to the consent that is asked.

Mr. BEVERIDGE. I call the Senator's attention to the fact that the point he makes is of course perfectly apparent to everybody; but that, in addition thereto before the date I propose, about 10 legislative days will elapse, thus giving everybody on all sides of this case who desires to speak an opportunity to be heard, unless, indeed, there should be these lapses of time be-

tween speeches, in which event all can see the possible final outcome.

I suggest to the Senator from Michigan, who is so closely and accurately informed as to what has heretofore occurred, that the debate on the Caldwell case occupied about 10 days. It was bunched all together. The reports were submitted, the debate was opened, Mr. Caldwell was then heard before the debate proceeded further, according to the universal parliamentary practice in this and all other parliamentary countries. Then the Senate took the matter up and proceeded for about 10 days, at the end of which time no vote was reached because the Senator resigned.

Mr. BURROWS. In answer to the Senator from Iowa, I think the Senator must have overlooked the fact that four notices have already been given for speeches next week on various subjects—

Mr. BEVERIDGE. I can not hear the Senator.

Mr. BURROWS. Which notices are already recognized by the Senate. The Senator from Montana [Mr. CARTER] has given notice that to-day he proposes to address the Senate on the question of the election of Senators by the people; the Senator from Minnesota [Mr. CLAPP] has given notice that on Monday, January 23, he will call up the Indian appropriation bill; the Senator from South Dakota [Mr. GAMBLE], a member of the committee, has given notice that on the same day he desires to address the Senate on the election case; the Senator from Iowa [Mr. CUMMINS] has given notice that on the 24th he intends to address the Senate on the question of tariff revision schedule by schedule; the Senator from New York [Mr. DUFFY] has given notice that on the same day he proposes to address the Senate upon the question of the election of Senators by the people, and the Senator from Kentucky [Mr. PAYNTER], a member of the committee, has given notice that he desires to speak on the election case on January 25. Therefore I think the Senator will observe that the time seems to be pretty well occupied.

Mr. CUMMINS. I did not overlook these notices, and I did not assume or suppose that everything that is to be said on the Lorimer matter could be said before the 31st of January.

The point I desired to make was that there was nothing in the request made by the Senator from Indiana that would prevent unlimited debate upon the subject after it is taken up. Every Senator in the Chamber can speak upon it, if he so desires. The only effect, as I understand it, of the request of the Senator from Indiana, if granted, would be that when the subject should be taken up on the 31st of January then the Senate would proceed with its consideration continuously until disposed of.

Mr. BURROWS. The difficulty with the proposition is that other matters of very great moment may press upon the Senate, and it would hardly seem fair or just for the Senate to preclude and make it impossible to take up other matters, however pressing, before it for consideration.

It seems to me that the Senator from Indiana ought to be content with the assurance I have given time and time again, and to which I think every Member of the Senate agrees, that this matter shall be disposed of before the present session closes. Therefore, in view of that, I do not see the necessity of fixing the exact day or hour when a vote shall be taken.

If there is anybody on earth who wants to get rid of this case more than I do I should like to see him. We are all anxious to get rid of it, and upon the assurance given I should think the Senator might possess his soul in patience.

If he has anything to say in regard to this case, of course the Senate will be delighted to hear him.

Mr. BEVERIDGE. Mr. President, unfortunately the legislative situation is such that the Senator himself can give us an assurance only for himself. In view of his earnest desire, which all of us can appreciate and which all of us readily understand, to speedily dispose of this unpleasant case, I had hoped that he would agree on the day suggested. It is the third time I have put the request for unanimous consent.

Let me point out to the Senator and to the Senate that the only certain way of disposing of this or other matters of grave importance coming before us is that we shall agree to a time, as usually is the case, to conclude debate and to come to a vote and dispose of it. That being understood, we can go on with the rest of the business. That is the universal way in which practically in a conjuncture like this matters are ever disposed of.

I remarked a moment ago, and will show in a moment, that we now have a legislative log jam which can not be broken up unless some one of the locking logs be removed. For example, on Monday, I am informed, the legislative appropriation bill will come in. On Tuesday the Indian appropriation bill will

come in. That is a bill which usually consumes two or three days. It always has in it the sources, if not of prolonged, at least of heated, debate. Then come the other five great appropriation bills. Here is a proposed change in our fundamental law, whose supporters want to press it to a vote. Here is the unfinished business. There will be at least one other matter of most serious importance, involving, I think the Senate will find, the country's welfare and even, perhaps, the country's safety. Another matter of capital importance must be considered and concluded. How are we going to be assured by any Senator that any vexed question can be disposed of, if we do not resort to a unanimous-consent agreement, unless, indeed, the Senate takes the situation in its own firm hand and brooks no further delay.

If the 31st day of January, which is 11 days from now, should be too early to give everybody a chance to be heard who desires to be heard, I make the request for one week later. That will be on the 7th of February. I put it in the same form I put my former request. I ask unanimous consent for that date, Mr. President, in the form already put.

The VICE PRESIDENT. The Secretary will state the request.

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made.

Mr. GALLINGER. The regular order, Mr. President.

The VICE PRESIDENT. The regular order is demanded. The regular order is the calendar under Rule VIII.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask unanimous consent to call up Senate joint resolution 134.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. CARTER obtained the floor.

Mr. NELSON. I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. I do.

The VICE PRESIDENT. The Senator from Minnesota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Clapp	Guggenheim	Piles
Borah	Crane	Heyburn	Scott
Bradley	Crawford	Jones	Simmons
Brandegee	Cummins	La Follette	Smith, Mich.
Bristow	Curtis	Lodge	Smoot
Brown	Davis	Lorimer	Stephenson
Bulkeley	Dick	Martin	Sutherland
Burkett	Dillingham	Nelson	Swanson
Burnham	Elkins	Newlands	Taliaferro
Burrows	Frazier	Oliver	Warner
Burton	Frye	Page	Wetmore
Carter	Gallinger	Paynter	
Chamberlain	Gamble	Perkins	

The PRESIDING OFFICER (Mr. ELKINS in the chair). Fifty Senators have answered to their names. A quorum of the Senate is present. The Senator from Montana will proceed.

Mr. CARTER. Mr. President, in the early days of the present session the Senate referred to the Committee on the Judiciary a joint resolution providing for the submission to the States of an amendment to the Federal Constitution providing for the election of United States Senators by a direct vote of the people. After giving that resolution consideration the committee reported back to the Senate an amended resolution which embodied the subject matter referred to it, but attached thereto an additional proposition which I deem of very great importance. In the course of the ornate speech made by the Senator in charge of the joint resolution [Mr. BORAH], no intimation was given nor could inference be drawn from what was said indicating the gravity of this additional matter.

The joint resolution proposes two separate and distinct amendments to the Constitution and unites them in such manner that they can not be divided at the polls nor in any legislative assembly. A voter or a legislator in favor of one and opposed to the other amendment could not exercise a free choice, for he would be compelled to vote for both in order to secure the one he favored, or against both to defeat the one he opposed. The amendments present two separate and independent questions upon which both electors and legislators will inevitably disagree. Full and free consideration of either one of the proposed amendments does not in any way require consideration of the other, whereas the uniting of the two questions, as in this resolution, precludes the fair consideration of either. It may well be taken for granted that an overwhelming majority of the voters and members of the legislature of a State might favor the

election of United States Senators by popular vote and at the same time stand unalterably opposed to the permanent disfranchisement of the colored man in such States as might think proper to deny him a voice in the selection of United States Senators. Had the committee joint resolution proposed the repeal of the fifteenth amendment to the Constitution in conjunction with the proposal for the election of Senators by popular vote, uniting the questions so as to make them indivisible, how many Senators would vote in the affirmative or how many legislators would approve the dual amendment if submitted? In my judgment such a joint resolution would be overwhelmingly rejected in both branches of Congress; and if not, surely two-thirds of the State legislatures would rebuke the submission of the conjoined amendments to them.

And yet, sir, the joint resolution now under consideration proposes to submit to the States for their approval two amendments to the Constitution indissolubly united in one proposition, which, if adopted, will not only transfer the election of United States Senators from the legislatures to the polls, but will also repeal the constitutional provision which empowers the Congress to make or alter regulations as to the time and manner of choosing Senators. To the end that the exact issue may be clearly comprehended, let me quote the two paragraphs of the Constitution involved and the amendments proposed thereto:

Paragraph 1, section 3, Article I.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; and each Senator shall have one vote.

Amendment proposed.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Amendment proposed.

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

Paragraph 1, section 4, Article I.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It will be perceived that paragraph 1 of section 4 empowers Congress to make or alter regulations as to the times and manner of choosing Senators and that the amendment offered by the committee annuls that power, and by placing it exclusively in the States forbids its exercise in any manner by the Congress or the Senate upon any theory of implied power. Under such a constitutional provision Congress would be unable to make any law or regulation for the protection of senatorial elections against fraud, violence, or corruption.

A State desiring to avoid accountability to the Senate under the fourteenth or fifteenth amendments would of course choose United States Senators at special elections to be held at such times and conducted in such manner as the State authorities might see fit to approve. The right of a person to a seat in the Senate could not be challenged on account of fraud, violence, or corruption at the polls, regardless of the extent to which citizens had been thereby denied equal protection of the laws or the right to vote.

The right of the Senate to judge of the election of its own Members would be limited and abridged by the amendment granting sole and exclusive power to the States to determine the manner of conducting the elections. If the limitation of congressional power to enforce the last two amendments of the Constitution by denying seats in this Chamber claimed by violators thereof is the end in view, let us approach the subject openly and without concealment. To preserve the power of Congress to prescribe the times, places, and manner of electing Members of the House of Representatives and to emasculate it in that respect as to the election of Senators presents a sad spectacle of pitiable indirection.

When Senators are elected by popular vote, how can anyone explain why Congress should have less power over elections than it now has and under the proposed amendment will continue to have as to the election of Members of the House? There is neither logic nor justification for any such position. The proposal to submit a constitutional amendment to deprive Congress of the right to enact appropriate laws to guard the election of its Members against fraud, violence, or corruption was never brought to the attention of the American people until this joint resolution was reported to the Senate on the 11th day of this month.

The election of Senators by direct vote of the people has long occupied a prominent place in the public mind and upon that question the Senate is well informed and prepared to vote. That question is plain, simple, and well understood by everyone; but it comes to us burdened with a rider which for the

first time offers an amendment to the Federal Constitution striking at the very vitals of the parliamentary body called upon to consider it. If the portion of the amendment which I can with propriety refer to as the rider should be adopted, the Senate of the United States would be the only elective legislative body in Christendom devoid of authority to participate in framing the laws and regulations governing the times and manner of electing its own Members. Why was this rider attached to the proposal to submit the question of electing Senators by direct vote? It is apart from, rather than a part of, the main question upon which the public mind has been centered. It is not in nor was it suggested in the remotest degree by the resolution which the Senate referred to the Judiciary Committee for consideration. The committee reports favorably in substance on the joint resolution referred to it by the Senate, and then volunteers to involve the question with a subject not referred to the committee at all. The rider can not be regarded as incidental, because it presents an independent vital question reaching to the very root of free government; for when you deprive any elective parliamentary body of power to keep the channel between the voters and the legislative chamber free from obstruction or pollution by fraud, violence, or corruption, you condemn that body to degradation and death.

In *ex parte* Yarbrough, One hundred and tenth United States, at page 637, quoted yesterday by the Senator from Utah [Mr. SUTHERLAND], Justice Miller, in commenting upon the exercise of congressional power on the subject in question, employed the following strong and pertinent language:

That a Government whose essential character is republican, whose Executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud is a proposition so startling as to arrest attention and demand the gravest consideration.

If this Government is anything more than a mere aggregation of delegated agents of other States and Governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power, it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

The joint resolution under consideration inaugurates a proceeding intended to bring about the election of Senators by the people directly just as Members of the most numerous branch of the Congress are elected. Why, I pray, should the Congress be left all powerful as to the election of Members of the House and as to the election of Senators "left," in the language of the learned justice, "helpless before the two great national and historical enemies of all republics, open violence and insidious corruption?" Obviously the Republic would not be placed in greater peril "by violence and insidious corruption" attending the election of Members of the House than in the election of Senators. Then, since the danger is common to both, why should the power to control the election of Members of the House be preserved and at the same time relinquished as to the election of Members of the Senate, the election in each case being by popular vote as contemplated by the joint resolution? The boundless realms of reason can supply no answer to the question favorable to the attitude of the committee.

In the absence of any known reason for the sudden and unexpected appearance of this curiosity in the list of legislative jockeys, those in quest of some assignable cause for its presence are driven to look for the impelling motive behind it.

It was manifestly used as a float to bring the main amendment out of the committee room. Those who accepted that mode of transportation had more zeal than knowledge, for if the float does not serve as a sinker in either branch of Congress it will surely prove a deadly weight in more than one-fourth of the State legislatures.

The occasion demands plain speech and forbids evasion. Not content with the success obtained in suppressing the negro vote through a curious variety of State constitutional provisions and legislative devices, certain Senators now seek to absolutely deprive the General Government of all power to guard and protect the elections of Members of this body not only from the consequences of the provisions and devices suggested, but also from such fraud, violence, or corruption as may taint a Senatorial election North or South. The adoption of the amendment would give substantial though limited national sanction to the disfranchisement of the Negroes in the Southern States. In their disfranchisement we now passively acquiesce, but with this supine attitude some Senators are not content; they ask us to actually strip Congress of the power to question election methods and actions in so far as the election of United States Senators may be concerned, and by way of inducement to the Con-

gress and the Nation to consent to the permanent suppression of more than a million votes at elections to choose Senators they will cooperate in the adoption of a constitutional amendment providing for the election of United States Senators by direct vote of the people. I can not bring myself to believe that any Senator will maintain any such position when a vote is taken, and I am therefore convinced that Senators who supported the rider in committee under pressure of supposed necessity made a mistake to which they should not adhere.

We are admonished that the joint resolution will fail if the Senate restricts it to the election of Senators by direct vote. This would indicate that limitation of the power of Congress to supervise senatorial elections is of primary importance in the minds of the Senators who advocate the rider, and I doubt not it is so considered in certain quarters.

I do not wish to dwell on the perplexing questions confronting the Southern people, nor is it my desire to recall ancient controversies, with their feelings of bitterness and sectional animosity, but let me warn the Senators who urge this proposed constitutional limitation that they had better allow time and a tolerant public sentiment to aid in the solution of certain problems rather than to invite the country to give constitutional sanction to deplorable expedients which every patriotic citizen must earnestly pray may not be long deemed necessary, even in the South. With the so-called Lodge election bill I was not in sympathy, although I voted for it after its approval by the Republican House caucus. It was a mistaken attempt to exercise power under circumstances and conditions certain to bring forth resistance, with an attendant train of social and political disturbances, if not disasters. The strong though futile attempt to pass that bill was followed by a reaction that swept practically every section of the old Federal election laws from the statute books, but there the reaction stopped, and the country settled down in patience for a period of reflection and observation. As the lives of men are measured, this period may be long continued unless the men of the South shall insist upon immediate and final disposition of the issue by the abrogation of the power of the Federal Government to deal with it. The part of the committee amendment of which I complain would make a long stride in that direction; but if it were possible to secure its adoption, I submit to my senatorial brethren from the South that the agitation, friction, and ill feeling inseparable from such a subject would neutralize every possible benefit and reopen rather than finally close the question. As the people of the North acquire greater knowledge of the perplexing political problems of the South they become more and more inclined to look upon the situation in a sympathetic way, trusting for a solution to time, industrial education, the spirit of justice, the love of law, and that respect for human freedom and human rights which is a natural characteristic of our countrymen in all sections of the Union. Is it not more wise to court continuance of the normal orderly process of settlement rather than to disturb it by precipitating an acrimonious discussion of the matter in every school district in the land? The discussion could not be otherwise than harmful.

The statement of the Senator in charge of the joint resolution [Mr. BORAH] that many States have passed resolutions favoring the election of Senators by direct vote is true, but as applied to the rider, to which I object, the statement is entirely misleading. Not one State has, to my knowledge, asked for the submission of an amendment to the Constitution to deprive the Congress of power to pass a law making or altering regulations as to the time of electing Senators and the manner of conducting the elections.

If any change is to be made in the first paragraph of section 4 of the Constitution, which I have quoted, the power of Congress should be enlarged so as to apply to the places of holding the elections of Senators, since it is proposed to provide for the elections by popular vote. Congress has power to legislate regarding the places, times, and manner of holding elections for Members of the House, but legislation as to the places at which the election of Senators may be held was reserved to the States, because the elections were to be made by the legislatures and it was not deemed proper for Congress to determine the place of meeting for a legislature; but under an amendment transferring the election of Senators from the legislatures to the polling places the reason for the limitation disappears. An amendment to make the power of Congress uniform would be eminently appropriate, but the complete abrogation of the power of Congress on senatorial elections is intolerable. Little consolation can be drawn from paragraph 1 of section 5 of Article I of the Constitution, which provides that "each House shall be the judge of the elections, returns, and qualifications of its own Members," for it is evident that if Congress is deprived of the right to legislate on the times and manner of electing

Senators the States will possess supreme power in the premises and the Senate will not be at liberty to inquire into the manner of exercising that power. The Senate would be confined to judging the returns and qualifications of its Members. Absolute control of the elections being left to the States the Senate would not be authorized to go behind the returns.

On the adoption of the amendment offered all national laws regulating the time and manner of holding elections would cease to apply to elections of United States Senators. Each State might fix a different date for such elections and designate different election days for various parts of the State. The election held in a given part of the State on one day might be declared void and the result, as determined by the votes cast on other days in other sections of the same State, certified as the true and correct result of the election.

The Federal law now provides that a Senator shall be elected at the meeting of the State legislature next preceding the beginning of the term to be filled, thus practically prohibiting the election of any person by a given legislature for more than one full term of six years in the Senate.

Under the amendment recited in the committee joint resolution there is nothing to prevent a State from electing one person for 10 terms in the Senate or 10 persons for one term each at the same election. The State being invested with exclusive power to control the time of the election of a Senator could not be called to account for the manner of exercising that power.

We have known and will again experience periods of intense partisan feeling, sometimes in sections and sometimes all over the country. Frequently recurring elections, with their attendant opportunities to change public policies and public servants, give the country immunity from the indefinite continuance of the influence of such periods. How different would have been our country's history had it been possible to project the passions and prejudices and follies of one decade into the next or beyond!

A party so earnestly devoted to a national policy as to see only dire disaster in its overthrow will go far to safeguard the cherished cause against the mutations of political fortune. With power to elect Senators of the United States for an indefinite number of terms at one time, the way would be made clear for the passage of embalmed passion, partisanship, or sectionalism from one generation to another. Here would be a verdant field for the boodler and the demagogue, for when the legislature and the necessary State officers were under control, howsoever secured, a bunch of senatorial terms could be taken just as easily as one term.

It will, of course, be contended that no State would pass a law authorizing the things suggested, to which I reply, no State should be invested with power to enact such a law.

When Senators are elected by popular vote it will be highly desirable that the elections shall occur on the same day in all the States, and this desirable uniformity can only be secured by reserving to the General Government the power to fix the time of the elections. Members of the House of Representatives are now elected on the same day in all the districts in conformity with Federal law, and the designation of different days for the election of Senators could not be productive of good, and might become a prolific source of evil. But the amendment proposed by the committee would not only deprive Congress of the power to fix the time, but would also deprive it of any voice in the manner of conducting the election of Senators. The power to prescribe the manner of conducting such elections if transferred to the States would leave Congress without necessary or any power to make or alter any regulation, modify any practice, or reject any method the local authority might think proper to make or countenance. Violence and corruption could disturb and pollute the way to the Senate unchallenged by any authority beyond the limits of the State. Under the Constitution as it is, Congress may protect the election of Senators and Representatives from fraud, violence, and corruption in any and every form, but it is the purpose of the amendment I challenge to deprive Congress of that power as to the election of Senators.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Yes.

Mr. BORAH. May I ask the Senator under what provision of the Constitution we to-day seek to protect this body and the other body from having their Members elected by fraud and corruption?

Mr. CARTER. We seek to protect the elections from the effect of fraud and violence primarily under our right as sole judges of the election of the Members. Second, by the exercise of the power contained in paragraph 1 of section 4 of the Constitution,

the restraining hand of Congress can be laid on fraudulent and illegal election methods.

Mr. BORAH. I wish to ask the Senator further, Does he know of any instance in which we as a Senate have ever utilized the provision of the Constitution, which we now seek to amend, for the purpose of preventing fraud and corruption by means of which a Senator was elected? Do we not act and claim our right to act under the provision of the Constitution which makes this body the judge of the qualifications, election, and returns of its Members?

Mr. CARTER. The Senate is now engaged in the investigation of the election of a Senator.

Mr. BORAH. The Senate is to-day engaged in the investigation of the election of a Senator. Notwithstanding the fact that we have utilized all the power we had under this provision, we are proceeding to investigate it under another provision of the Constitution. We are not seeking to cleanse this body by reason of this provision of the Constitution. On the other hand, it is believed by many that the action of the Senate in passing legislation has superinduced and made advantageous the cause of those who seek to corrupt senatorial elections. It was better when it was left entirely to the States as it was until 1866.

Mr. CARTER. Mr. President, I will very shortly reach the aspect of the case presented by the Senator, but in order that the cogent answer may appear in this part of the Record directly connected with the Senator's remarks, permit me to say that as to the election of Members of the House of Representatives, they being elected by direct vote of the people, the Congress has plenary power not only to control the election but to control everything connected with it, either through the State officers or through the officers of the Federal Government. Congress may provide for the punishment of a State officer for the violation of a Federal election law.

Mr. SUTHERLAND. Mr. President—

Mr. CARTER. Just a moment. Not so with the Senate. The Senate may only inquire as to fraud, violence, corruption, or any subject thought to be a proper basis of challenge occurring in the legislative assembly. The Senate does not go back of the election of the legislature, but accepts and gives full faith and credit to the legislative assembly as organized. In case the amendment for a popular vote should be adopted, then the power of the Senate to control elections amongst the people at the polls would be identical with the power now inherent in the Government as to the election of Members of the House subject only to the limitation on the power to designate the places at which the elections are held.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. Yes.

Mr. SUTHERLAND. May I remind the Senator from Montana, by way of reply to the suggestion of the Senator from Idaho, that all that body of election laws that was passed about 1870 and repealed about 1894 was held by the Supreme Court, in no less than four cases, to have been passed under and in pursuance of this provision which the Senator from Idaho is now seeking to repeal?

Mr. BORAH. That was not the question which I presented to the Senator from Montana.

Notwithstanding the numerous legislative acts to which the Senator from Utah refers, and notwithstanding the fact that they remained upon the statute book for a number of years as a dead letter, notwithstanding the fact that we afterwards repealed them, we always proceeded to purify or cleanse both the lower House and this House through another provision of the Constitution. Those provisions to which he refers relegated matters to the court. But it is unreasonable to say that if this provision of the Constitution is taken away we still have not the power to control the election of Members to the lower House and to this House with reference to the question of fraud and corruption.

Mr. CARTER. As to the conduct of elections of members of a State legislature the Federal Government is now absolutely powerless under the ancient and unbroken line of holdings on that subject. We accord full faith and credit to the organized legislature of the State, the body charged with the election of a Senator of the United States, and we inquire only into the conduct of the election by that legislative assembly. There is no power to go back to the polling place, but the very moment the scene is changed and the votes for Senator are cast directly by the people at the polls the power will at once be transferred to the new forum, and there we can inquire into fraud, violence, corruption, denial of the right of suffrage, or any other thing which we may deem necessary to the formation of a correct judgment on the facts involved.

Mr. BORAH. The Senator from Montana states the fact exactly as it is, that when this popular election amendment shall have been adopted and the people elect the Senator direct we must go back to the people to find out whether or not the election took place in accordance with clean and decent methods of election. But I maintain that after this change we will have just the same power to go back and inquire into the question of fraud and corruption that we have now, and that the manner of conducting the election would not add one iota of power to this body. It might assist in passing criminal statutes by which the matter could be referred to the courts, but there is no limitation in the Constitution upon the words "to judge of the election" of our Members, and that provision remains intact.

Mr. CARTER. The inference could readily be drawn that the Senator from Idaho regards this provision of the Constitution which is sought to be changed as innocuous. I think the Senator will ascertain before this discussion closes that Senators regard this as the very vital essence of the joint resolution presented; that while it is presented as a mere incident or a rider, it is in truth and fact the main inducing cause for support of the joint resolution itself by a considerable number of Senators.

Senators yesterday very frankly admitted on this floor that if this power of Congress were not stricken down by the amendment they would not support the joint resolution.

Mr. President, it is axiomatic that all proceedings in the Senate are based upon the theory that State governments in their official actions are entitled to full faith and credit. Indeed, in obeying the Constitution of our country we are compelled so to assume. Therefore when the State is not by implication but in special terms made the sole repository of power for determining the time and manner of conducting the elections of Senators, the certificate of the proper officers of the State that the election was properly conducted will become conclusive upon the Senate precisely as we now accept the organized legislature as the regularly constituted organ of the States and do not proceed to inquire how the Members were elected.

Mr. BORAH. The Senator will pardon me for a moment. In section 4 of the Constitution is found this provision, which we are discussing:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

Then follows section 5:

Each House shall be the judge of the elections, returns, and qualifications of its own members.

Under that we have proceeded to do all we have ever done effectively for the purpose of protecting the purity of elections. It is under that provision that we are now inquiring into the alleged fraud and corruption of the senatorial election from Illinois.

Mr. SMITH of Michigan. Mr. President—

Mr. CARTER. I should like to ask the Senator from Idaho a question and then I will yield to the Senator from Michigan.

Why does the Senator present a resolution preserving this power as to Members of the House and relinquishing it as to Members of the Senate? If it is of no avail whatever, why not repeal the clause entirely or substitute another, vesting in the States the sole power as to the election of both Members and Senators?

Mr. BORAH. I answered the question of the Senator the other day by saying that which I now repeat, that I think it is wise that we should do so; but we were not dealing with the subject other than as it related to the election of Senators.

So far as I am concerned, I do not believe there is anything like the virtue in this provision of the Constitution that some claim, nor the fear of danger that others seem to think lies in its repeal.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. Yes.

Mr. SMITH of Michigan. I should like to ask the Senator from Idaho whether he thinks there is any virtue in the constitutional authority to prescribe a time, which shall be uniform throughout the country, for the election of Senators.

Mr. BORAH. I could answer that by saying that in my judgment history has proved there is little virtue in it. It has never been enforced with any advantage. It was not sufficient to protect the situation in certain parts of the country, and hence the fourteenth amendment.

Mr. SMITH of Michigan. If the Senator will pardon me, I think there is much virtue in this provision. Suppose the Senate were to be nearly equally divided along political lines and

the proposition for the election of Senators was about to be put into effect by a State, does not the Senator from Idaho think that under great pressure and political stress, such as sometimes affects the republican form of government when sharp differences exist and Senators had already been chosen in a portion of the States at one time and the result definitely and distinctly known by the people of the entire country, that it might be a great temptation to the people of other States, who had not yet acted, to take advantage of the political situation thus foreshadowed and govern their elections to the advantage of their own party contention?

I do not think that it is an extravagant proposition at all. Time and again in the history of this country in the choice of a President of the United States I have been happy in the thought that the Constitution requires us to cast our votes upon the same day for that high office and that the returns of the Electoral College must be made to the same place upon the same day, thus insuring uniformity and governmental stability. The Senator from Idaho can recall, as I do, that not many years ago, when the returns from a single State were delayed in transmission to the central point, that fraud and corruption were charged, and to this day that stigma has not been removed. Only yesterday I heard it repeated that the returns from the State of Oregon in 1876 were held back purposely that they might reflect a result other than that which had been determined by the returning board.

Mr. President, I give the Senator from Idaho full credit for being prompted by the purest motives and the loftiest patriotism in the report which he has brought before the Senate, and he has illuminated the theme—the popular election of Senators—with the same ability that always characterizes his utterances here, and I favor the principle he contends for and expect to vote for it. But it does seem to me that, if there were nothing else worth contending for in the proposition of the Senator from Montana, we ought at least to hold fast to the idea of uniformity in choosing our Senators at a time to be prescribed by the Congress of the United States.

Mr. BORAH. Mr. President, just a word, and I will not interrupt the Senator from Montana further. We have undertaken by this amendment to give the people the power to elect Senators by popular vote. That requires upon their part the exercise of judgment and discretion and patriotism. Those who advocate this measure believe that the time has come when the people have prepared themselves to exercise a power which has hitherto been denied them. Now, if the people are capable of electing Senators by popular vote, it seems to me the same wisdom and the same judgment and the same patriotism upon the part of that great electorate could be trusted to fix the time when they will do so. The controlling proposition is to elect Senators. The time is an incident, and to say that the people have the judgment and the patriotism to exercise the power of electing a Senator and then have not the judgment to fix the time seems to me to answer itself.

Mr. CARTER. On matters of general concern, upon which no serious division exists anywhere, it has been found impracticable for the States to enact uniform laws. For well-nigh a century efforts have been made to secure uniformity in laws relating to business transactions common to the whole country, and that effort has resulted in lamentable failure because of the inability of the States to come to an understanding. That uniformity as to time is desirable there can be no question; that it is vital in many respects I believe, and the only way to secure that uniformity is the way pointed out by the fathers who framed the Constitution—the lodgment of the power to fix the time in the Central Government and through the Congress of the United States.

The mere existence of the power goes far to compel wholesome regard for the fifteenth amendment to the Constitution in all the States and congressional districts, and when Senators are elected by popular vote that power will be more potential than at present, because it will be competent to inquire whether or not the election of a Senator was secured through the employment at the polls of means and methods in violation of the fifteenth amendment, and to deny a seat in the Senate when found to be the offspring of such violation.

Those who insist that although bereft of voice as to the manner of holding the elections of its Members the Senate could nevertheless refuse admission to a person claiming a seat in the Senate by virtue of an election conducted in violation of the fourteenth or fifteenth amendments to the Constitution, do not meet the question at issue.

It will be freely admitted that the amendment is not intended to extend but to abridge the power of Congress by depriving it of supervisory control over the election of Senators. Those who urge the amendment manifestly desire to remove such

elections from Federal scrutiny, so that questions involving the equal protection of the laws as guaranteed by the fourteenth or the right of citizens to vote as guaranteed by the fifteenth amendment may no longer remain subject to any measure of Federal examination or control in so far as the election of a United States Senator may be concerned.

If the resolution providing for the election of Senators by direct vote of the people is adopted and the Constitution is left unchanged in the particular I am now considering the Senate would have the undoubted right to inquire into the manner in which an election had been conducted at any polling place in a State, and the investigation could be given the widest possible range. Such investigation could with propriety extend to every question growing out of or connected with the rights of citizens under the fourteenth or fifteenth amendments to the Constitution; but the right of the Senate to make such investigation would be extremely doubtful in the presence of a constitutional amendment transferring to the States sole power to control such election.

At present the Senate does not inquire into the election of members of a legislature, but yields full faith and credit to the legislative assembly as organized. It may scrutinize the manner of conducting the election of a Senator by the legislative assembly, but it does not go back of the legislature to the polling booths to ascertain how the members of the legislature were elected. Should the States be as here proposed invested with full power to prescribe the manner of conducting senatorial elections, would not the Senate be precluded from questioning the manner prescribed or the methods employed at such election? Would not a certificate of election, in due form, when properly certified by the legally authorized officers of the State, be conclusive on the Senate as to all questions save and except those touching the qualifications of the person named in the certificate to hold a seat in the Senate?

If the answer be affirmative or evasive, I maintain that the adoption of the amendment would either paralyze or imperil the most efficient agency at the command of the Federal Government for the protection of the rights of citizens under the fourteenth and fifteenth amendments to the Constitution.

I do not contend that the right to vote at either State or national elections is directly given by the General Government. The fifteenth amendment neither gives nor authorizes the Congress to bestow the right to vote. That amendment prohibits the United States or any State from making any discrimination in the exercise of the right to vote on account of race, color, or previous condition of servitude. It does not confer the right of suffrage upon anyone, but it exempts every citizen from the prohibited discrimination. It invested the citizen with a new constitutional right, and that right the Congress is empowered to protect. The amendment erased the word "white" from the constitution of every State by declaring that—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 provides that—

The Congress shall have power to enforce this article by appropriate legislation.

It will be perceived that the fifteenth amendment, just quoted, relates to all elections, whether State or national. It is broader in one sense than section 4 of Article I of the Constitution which the Senate amendment proposes to emasculate, but in other respects, and principally in the matter of providing direct and efficient remedy, it is more narrow. The fifteenth amendment operates only on the States and not on the citizens thereof.

In the case of *The United States v. Reese*, Ninety-second United States, page 214, the Supreme Court held that the act of Congress which made it a crime to hinder, delay, or restrict any citizen from doing any act to qualify him to vote or from voting at any election was void, because its operation was not confined to cases in which the interference was on account of race, color, or previous condition of servitude.

In *James v. Bowman*, One hundred and ninetyeth United States, page 127, the Supreme Court held an act of Congress void which prescribed the punishment of individuals who, by threats, bribery, or otherwise, should prevent or intimidate others from exercising the right of suffrage as granted by the fifteenth amendment. Numerous citations to like effect could be made.

The authorities abundantly show that an act of Congress to punish individual action can not be sustained under the fifteenth amendment of the Constitution. The individual fraudulently or unlawfully deprived of the right to vote is for all practical purposes left without remedy except such as he may obtain by and through an action for damages. At the same time it must be remembered that any law designed to call a sovereign State or all the people thereof to account will always be found

difficult to administer, while punishment will always be impracticable under our system of government. But under section 4 of Article I of the Constitution, which the pending resolution seeks to emasculate, the power of Congress to secure fair Federal elections is unrestrained, and if the instrumentalities employed are insufficient the Congress alone will be to blame.

It is this power to protect citizens in their rights guaranteed by the Constitution that the committee proposes to strike from that instrument by means of the proposed amendment, which the country understands is confined solely to the one question of electing Senators by direct vote of the people. These questions are in no manner correlated necessarily. Why did the committee not permit the Senate to vote upon the question for which the country has been calling for years and years, almost from the beginning of the Government? Indeed, in the Constitutional Convention itself a distinguished representative from Pennsylvania—Mr. Wilson, I believe—insisted that Senators should be elected by a direct vote of the people. The legislature was invoked as a method of expressing the sovereign will of the State only after long-continued debate and much doubt as to the method to be employed. That question, as I have said, has been long discussed, is well understood, and the country demands that an amendment be submitted to the Constitution providing for the direct election of Senators; but we will search in vain for any call from any source, consult as we may all the avenues of public expression, for the emasculation of the power of the Congress to control the election of Members of Congress.

Mr. President, I am sorry this question was brought forward. It is said that it will inevitably in the end imperil the joint resolution which was referred by the Senate to the committee. For that peril the Senate is not responsible. We are charged with the duty of supporting the Constitution of the United States and preserving to this Government the necessary power to perpetuate its own life. Time has shown that the continuance of parliamentary government requires that each House of the Parliament should have the right of control over the election of its members. In every State legislature that power is inherent. In the British Parliament it has been exercised from the beginning. In every parliamentary body in Europe, yea, I might say, broadly speaking, in Christendom, the right of a legislative assembly, whether State or national, to prescribe the rules to govern the election of its own members exists, and never has been seriously challenged until this resolution was brought into the Senate.

As I intimated in the beginning, I am prepared to vote, and will vote, if the opportunity is given, for the resolution to submit the question of an amendment to the Constitution providing for the election of Senators by a direct vote of the people. I will vote for such submission. But, Mr. President, I will not vote for any such submission at the price demanded.

It would be useless to submit the resolution to the States. Senators here well know that more than one-fourth of the States in this Union would indignantly repel a suggestion which, in effect, would constitute a sanction of the disfranchisement of the black man in the South. We are told that unless this resolution is encumbered by such a proposition Senators from the Southern country will not support it at all. I can not agree to that view. I should like to have the resolution limiting the power of Congress presented here independently. I venture to say if it is so presented as an independent proposition, there is not a Senator on this side of the Chamber who would support it, and I do not believe we ought to be coerced into its support in order to get something we desire to submit to the people.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. BORAH. Do I understand the Senator to contend that if the joint resolution is passed as it is proposed it will impair the provisions of the fourteenth amendment of the Constitution?

Mr. CARTER. I do insist that it will destroy the most efficient agency at the command of any branch of the Federal Government for enforcing respect for the fourteenth and fifteenth amendments.

Mr. BORAH. The Senator does not understand my question. I ask the Senator from Montana if he seriously contends that the passage of the joint resolution will in any respect impair any of the provisions of the fourteenth amendment?

Mr. CARTER. I think it would undoubtedly remove the Federal Government, as to the election of Senators, from all power and authority to scrutinize or to prescribe rules or regulations for the election of Senators in the respective States.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator further yield?

Mr. CARTER. I do.

Mr. BORAH. To be more specific, may I ask the Senator from Montana what particular provision or clause of the fourteenth amendment he thinks would be impaired?

Mr. CARTER. I am not speaking of the impairment of the fifteenth amendment. I am speaking of the remedy for the enforcement of the amendments. The fourteenth amendment guarantees the equal protection of the laws. The equal protection of the laws has been, and probably will be again, denied to citizens on election days all over the country.

The fifteenth amendment provides that neither the United States nor any State shall deny to a citizen the right to vote on account of race, color, or previous condition of servitude. Federal control of elections carries with it the power to compel obedience to these constitutional provisions at elections.

What good purpose, I ask the Senator, will be attained by denying the Congress of the United States the privilege of authorizing the inspection of elections and the ascertainment of the fact as to whether a citizen is being deprived of his right to vote under the guaranties of the amendments? What injury would come? Why limit this power?

Mr. BORAH. I am not seeking to limit the power that is given under the fourteenth amendment. However, I rather drew the inference from the Senator's argument that he thought we were interfering with some of the provisions of the fourteenth amendment.

Mr. CARTER. No; Mr. President, we are striking down the strongest arm the Federal Government can wield for the enforcement of the rights of citizens under those amendments.

Mr. BORAH. Mr. President, may I ask the Senator—

The VICE PRESIDENT. Does the Senator from Montana further yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. BORAH. May I ask the Senator if, under the provision as it now exists, we can prevent, as he says, the disfranchisement of the Negro in the South, why was it necessary to pass the fourteenth amendment at all?

Mr. CARTER. Mr. President, the passage of the fourteenth and fifteenth amendments to the Constitution occurred, as the Senator well knows, for the purpose of giving the substantial character of permanent constitutional guaranties of certain rights to the liberated black man in common with all other citizens.

Mr. BORAH. But I understood the Senator to say that that would be stricken down if this amendment were made.

Mr. CARTER. The Senator can not put me in that position. My insistence is that it would strike down one of the most potential agencies at the command of the Federal Government for the enforcement of respect and regard for the rights of citizens as guaranteed by the amendments referred to.

I now ask the Senator, since he is upon the floor, What good purpose will be served by depriving Congress of supervisory control over the election of Senators?

Mr. BORAH. My judgment is that the good purpose to grow out of the result would be that the States will control it more effectually and better than it has been controlled or can be controlled by the Federal Government. I repeat that I think it is unwise to say that the people have sufficient virtue and patriotism and judgment to elect a Senator and have not sufficient judgment to fix the manner of doing it.

Mr. CARTER. I will ask the Senator, What evil has proceeded from the exercise of this power?

Mr. BORAH. I will answer that. Prior to the time when we undertook to exercise this power and to control the matter ourselves we had but one election-bribery case in the Senate of the United States. Since we have fixed the rule and established the method we have had 10.

Mr. CARTER. What connection is there between the power of Congress to supervise an election when not exercised at all, as is the case at present, except as to prescribing the formula for the legislature? How can that have produced the bribery? What law has Congress passed that has contributed in any manner, shape, or form to that result?

Mr. BORAH. The act of 1866, under which we proceeded to elect Senators, passed under this provision of the Constitution, has led precisely to what Senator Sherman said it would lead—to deadlocks in legislatures and corrupt and unclean elections. History has proven that he was a prophet. Mr. Sherman contended, as we contend to-day, that these matters should be left to the States; that no one was so well fitted as the people who are there upon the ground to select their candidates and prescribe the manner in which they may best do the work. We are not without precedent for this matter.

Mr. CARTER. Mr. President, I fail to perceive in the answer of the Senator any particular description of the evil which would proceed or which has proceeded or is likely to proceed from the existence of the power to fix the time and manner of holding the elections of Senators. If that evil exists, let some one point it out, because clearly, on lines of logic and reason, if an evil flows from the power we should strike down the power as to Members of the House of Representatives as well as to the election of Senators.

In that behalf the Senator from Idaho says that we hope that this will prove such a luminous, reassuring example that some later generation may amend the Constitution by withdrawing the power as to Members of the House. If there be adequate reason in support of this amendment as to Senators now, it must be equally forceful as to Members of the more numerous branch of Congress. I can not perceive the logic which would withdraw the power from the Federal Government and transfer it exclusively in special terms to the State as to the Senate and retain it unimpaired as to the election of Members of the House of Representatives.

Mr. President, there having been much said in the course of this discussion with reference to the powers of Congress under the terms of the constitutional provision which this objectionable part of the joint resolution proposes to amend, I will ask the privilege of inserting as a part of my remarks the majority opinion of the court in the well-considered case of *ex parte Siebold*, found in One hundredth United States, 271. That was a case in which this subject of power in Congress is probably more thoroughly discussed than before or since. Justice Field exhausted the minority view, and yet the court held that this power under the Constitution, under the special clause of the instrument which the joint resolution proposes to amend, is a plenary power, giving the Congress the right of supreme control of the elections referred to. I believe it will be useful to have the extent of the power as defined by the Supreme Court set forth in connection with my remarks. If there be no objection, I will ask that extracts from this opinion and likewise extracts from the opinion in the case of *ex parte Yarbrough*, which followed, and affirmed the *Siebold* case, be inserted.

The VICE PRESIDENT. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

The majority of the court in their opinion say: "There is no declaration that the regulation shall be made either wholly by the State legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State; but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially. On the contrary, the necessary implication is that it may do either. It may either make the regulations, or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary cooperation of the two Governments in regulating the subject. But no repugnance in the system of regulations can arise thence; for the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power 'to make or alter.'"

As to the supposed incompatibility of independent sanctions and punishments imposed by the two Governments for the enforcement of the duties required of their respective officers of election and for their protection in the performance of those duties, the court say: "While the State will retain the power of enforcing such of its own regulations as are not superseded by those adopted by Congress, it can not be disputed that if Congress has power to make regulations it must have the power to enforce them, not only by punishing the delinquency of officers appointed by the United States, but by restraining and punishing those who attempt to interfere with them in the performance of their duties; and if, as we have shown, Congress may revise existing regulations, and add to or alter the same as far as it deems expedient, there can be as little question that it may impose additional penalties for the prevention of frauds committed by the State officers in the elections, or for their violation of any duty relating thereto, whether arising from the common law or from any other law, State or national. Why not?"

It is objected that Congress has no power to enforce State laws or punish State officers, especially has no power to punish them for violating the laws of their own State. As a general proposition this is undoubtedly true; but when, in the performance of their functions, State officers are called upon to fulfill duties which they owe to the United States as well as to the State, has the former no means of compelling such fulfillment? Yet that is the case here. It is the duty of the States to elect Representatives to Congress. The due and fair election of these Representatives is of vital importance to the United States. The Government of the United States is no less concerned in the transaction than the State government is. It certainly is not obliged to stand by as a passive spectator when duties are violated and outrageous frauds are committed. It is directly interested in the faithful performance by the officers of elections of their respective duties. Those duties are owed as well to the United States as to the State. This necessarily follows from the mixed nature of the transaction, State and national. A violation of duty is an offense against the United States, for which the offender is justly amenable to that Government. No official position can shelter him from this responsibility. In view of the fact that Congress has plenary and paramount jurisdiction over the whole subject, it seems almost absurd to say that an officer who receives or has custody of the ballots given for Representatives owes no duty to the National Government which Congress can enforce; or, that an officer who stuffs the ballot box can

not be made amenable to the United States. If Congress has not, prior to the passage of the present laws, imposed any penalties to prevent and punish frauds and violations of duty committed by officers of election, it has been because the exigency has not been deemed sufficient to require it, and not because Congress has not the requisite power. The objection that the laws and regulations, the violation of which is made punishable by the acts of Congress, are State laws and have not been adopted by Congress, is no sufficient answer to the power of Congress to impose punishment. It is true that Congress has not deemed it necessary to interfere with the duties of the ordinary officers of election, but has been content to leave them as prescribed by State laws. It has only created additional sanctions for their performance and provided means for supervision in order more effectually to secure such performance. The imposition of punishment implies a prohibition of the act punished. The State laws which Congress sees no occasion to alter, but which it allows to stand, are in effect adopted by Congress. It simply demands their fulfillment. Content to leave the laws as they are, it is not content with the means provided for their enforcement. It provides additional means for that purpose; and we think it is entirely within its constitutional power to do so. It is simply the exercise of the power to make additional regulations."

In *ex parte Clarke* and *ex parte Yarbrough* the doctrine declared in *Siebold's* case is reaffirmed, the court saying in the latter case: "If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections from violence and corruption."

In the *Yarbrough* case the law of 1870 was held to support an indictment charging a conspiracy to intimidate a citizen of African descent from voting. The parties interfered with some others not officers of the United States, as in the *Siebold* case, but this difference, the court held, had no bearing upon the constitutional power of the Federal Government to punish those interfering.

Mr. CARTER. The decisions of the Supreme Court treating of the disfranchisement clauses of the Southern States, as presented in Prof. Willoughby's recently published work on the Constitution, show how precarious the remedies are for violations of the rights of citizens as guaranteed by the amendments and how difficult the task of enforcing obedience thereto. I quote from the work referred to as follows:

DISFRANCHISEMENT CLAUSES OF THE SOUTHERN STATES.

As has been before adverted to, most, if not all, of the Southern States in which the negro population is very considerable have, by means of constitutional amendments or in constitutions newly adopted, secured, in effect, the almost total disfranchisement of their colored citizens. This, however, has been done, not by disfranchisement provisions expressly directed against the Negroes, but by requiring all voters to be registered and placing conditions upon registration which very few Negroes are able to meet, or at any rate to satisfy the registration officers that they do meet them.

If the courts may freely go behind the terms of a constitutional clause to discover its intent and to construe it by that intent, or if it may test its validity by its actual operation in practice, it would seem that a possible opportunity is afforded for holding void some, at least, of the disfranchising clauses of the constitutions of the Southern States. As yet, however, no case has been brought before the Supreme Court in which the court has consented to make this examination. As to the circumstances under which the court will consent to go back of the terms of a law to determine its real intent and effect, two interesting cases are *Yick Wo v. Hopkins* and *Williams v. Mississippi*. In the former case the law or ordinance in question was held void in that it attempted to give to an administrative officer an arbitrary discretionary power and also in that an actual arbitrary discriminating use of that authority was shown. In *Williams v. Mississippi* the court declined to hold void the State law in question, the law being upon its face not in violation of the equal-protection clause of the fourteenth amendment and no discrimination, in fact, being proved. In *Yick Wo v. Hopkins* the court say: "Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and unequal hand so as practically to make unjust and illegal discrimination between persons in similar circumstances material to their rights, the denial of justice is still within the prohibition of the Constitution." This doctrine, however, the courts say in the *Williams* case is not applicable to the constitution of Mississippi and its statutes. "They do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them."

In *Giles v. Harris*, decided in 1903, a colored citizen of Alabama brought an action in a Federal court against the registrars of his county to compel them to register him as a voter, claiming that the provisions of the Alabama constitution upon which the registrars based their refusal to register him were in violation of the equal-protection clause of the fourteenth amendment and of the prohibition of the fifteenth amendment. The Supreme Court, to which the case finally came for adjudication, refused the relief prayed, saying: "The difficulties which we can not overcome are two, and the first is this: The plaintiff alleges that the whole registration scheme of the Alabama constitution is a fraud upon the Constitution of the United States and asks us to declare it void. But, of course, he could not maintain a bill for mere declaration in the air. He does not try to do so, but asks to be registered as a party qualified under the void instrument. If, then, we accept the conclusion which it is the chief purpose of the bill to maintain, how can we make the court a party to the unlawful scheme by accepting it and adding another voter to its fraudulent lists? If the sections of the constitution concerning registration were illegal in their inception, it would be a new doctrine in constitutional law that the original invalidity could be cured by an administration which defeated their intent. The other difficulty is of a different sort, and strikingly reinforces the argument that equity can not undertake now, any more than it has in the past, to enforce political rights, and also the suggestion that State constitutions were not left unmentioned in section 1979 by accident. In determining whether a court of equity can take jurisdiction, one of the first questions is what it can do to enforce any order that it may make. This is alleged to be the conspiracy of a State, although the State is not and could not be made a party to the bill. (*Hans v. Louisiana*, 134 U. S., 1; 10 Sup. Ct. Repts., 504; 33 L. Ed., 842.) The circuit court has not constitutional power to control its action by any means. And if we leave the State out of consideration, the court has as little practical power to deal with the people of the State in a body. The bill imports that the great mass of the white

population intends to keep the blacks from voting. To meet such an intent something more than ordering the plaintiff's name to be inscribed upon the lists of 1902 will be needed. If the conspiracy and intent exist, a name on a piece of paper will not defeat them. Unless we are prepared to supervise the voting in that State by officers of the court, it seems to us that all that the plaintiff could get from equity would be an empty form. Apart from damages to the individual, relief from a great political wrong, if done as alleged by the people of a State and the State itself, must be given by them or by the legislative and political department of the Government of the United States."

In *Giles v. Teasley*, which was an action brought to recover damages against the board of registrars for refusing to register the plaintiff as a qualified elector of the State, the supreme court of Alabama held that if the provisions of the State constitution were repugnant to the fifteenth amendment they were void, and the board of registrars appointed thereunder had no legal existence and had no power to act and would not be liable for a refusal to register the plaintiff, while on the other hand, if the provisions were constitutional, the registrars acted properly thereunder and their action was not reviewable by the courts. The Supreme Court of the United States held that the Alabama court had not decided any Federal question adversely to the plaintiff, and therefore that the Supreme Court had no jurisdiction to review the decision of the State court.

In *Jones v. Montague*, decided in 1904, the court declined to review the dismissal of a petition for a writ of prohibition to prevent the canvass of the votes cast at a congressional election—upon claim that the petitioners had, in violation of the Federal Constitution, been denied registration—for the reason that the canvass had, in fact, been already made and certificates of election issued to persons who had been recognized by the House of Representatives as members thereof. The court thus, in any event, not being able to provide any relief, the case became merely a moot one, and as such was dismissed.

In the light of the foregoing unsuccessful attempts to obtain from the Supreme Court relief from the operation of the disfranchising clauses of the State constitutions we have been considering, the question may properly be asked whether it is constitutionally possible for the Congress to provide by legislation means by which the constitutionality of these clauses may be fairly passed upon by the courts and the appropriate relief given. It would seem that much might be done.

As regards congressional elections, Congress has, as we have seen, plenary powers of control, and could take complete charge of both the elections and the registration of the voters. In such case the Federal registrars might refuse to register white voters under clauses of the State laws which they might hold to be in violation of the Federal Constitution, and the voters so refused registration would have to seek redress in the Federal courts and set up the validity of these State laws. As regards State elections, Congress might enact laws giving to Federal courts jurisdiction of actions brought against State registrations of election officials who, in violation of Federal constitutional rights, have refused registration or opportunity to vote to legally qualified persons.

Whether or not such legislation, the possibility of which is above suggested, would be wise is a question by itself. Whether, if wise, it would be efficiently enforced in communities where it would meet strong and united popular opposition is another question. In the last analysis obedience not voluntarily given must, for the most part, be compelled by force applied through the instrumentality of criminal prosecutions. In the face of the united and passionate opposition of the white people of the South such prosecutions in the past have failed to accomplish any permanently useful results. It is probable that convictions would be difficult to obtain even where the offense was flagrant and the guilt of the defendants clear.

The power in either case arises out of the circumstances that the function in which the party is engaged or the right which he is about to exercise is dependent on the laws of the United States. In both cases it is the duty of that Government to see that he may exercise this right freely and to protect him from violence while so doing or on account of so doing. This duty does not arise solely from the interest of the party concerned, but from the necessity of the Government itself, that its service shall be free from the adverse influence of force and fraud practiced on its agents, and that the votes by which its Members of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice.

Mr. President, I will say in conclusion that I sincerely hope that the committee will recede from its position and permit us to have a vote upon the main question which the Senate referred to the committee, to wit, a resolution proposing to submit a constitutional amendment to the States providing for the election of Senators by a direct vote.

During the delivery of Mr. CARTER's speech,

The VICE PRESIDENT. Will the Senator from Montana suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. CUMMINS. May I ask the Senator from New Hampshire whether it is expected that the consideration of this bill shall proceed immediately upon the conclusion of the address of the Senator from Montana?

Mr. GALLINGER. That is my hope and purpose.

The VICE PRESIDENT. No objection is heard. The unfinished business is temporarily laid aside. The Senator from Montana will proceed.

After the conclusion of Mr. CARTER's speech,

FAMILY OF SAMUELE BADOLATO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 769), which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

I have approved the bill H. R. 23081, an act for the relief of the family of Samuele Badolato, who was killed in the course of his employment upon river and harbor improvement, new Lock and Dam No. 5, Monongahela River, West Brownsville, Pa., on April 1, 1909.

From the report made to me by the Acting Secretary of Commerce and Labor it appears that a claim for compensation in this case under the provisions of the act of May 30, 1908, was disapproved by the Department of Commerce and Labor solely because the affidavit of claim was not filed within the statutory period.

It further appears that since the act of Congress of May 30, 1908, went into effect, 21 other claims for compensation on account of death have been disapproved by the Department of Commerce and Labor because the required affidavit of claim was not filed within 90 days after death, as required by section 4 of said act. In justice to these other claimants whose claims have been disapproved for a reason similar to that in this case, I recommend that Congress pass a general act allowing all such claimants compensation, if their claims are otherwise meritorious, rather than provide relief for individual cases.

WM. H. TAFT.

THE WHITE HOUSE, January 20, 1911.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

The VICE PRESIDENT. The Chair lays the unfinished business before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. BROWN. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Guggenheim	Scott
Borah	Cummins	Hale	Simmons
Bourne	Curtis	Heyburn	Smith, Mich.
Bradley	Davis	Johnston	Smoot
Brandegee	Dick	Jones	Stephenson
Bristow	Dillingham	Kean	Stone
Brown	du Pont	Lorimer	Terrell
Bulkeley	Elkins	Oliver	Tillman
Burnham	Fletcher	Overman	Warner
Carter	Frazier	Page	Warren
Chamberlain	Frye	Paynter	Wetmore
Clapp	Gallinger	Percy	
Crane	Gamble	Perkins	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. A quorum of the Senate is present.

[Mr. CUMMINS resumed and concluded the speech begun by him on yesterday. The entire speech is printed below.]

Friday, January 20, 1911.

Mr. CUMMINS. Mr. President, I am opposed to this bill, first, because the principle upon which it is founded is unsound; second, because, if the validity of the principle were granted, its application in this measure is unscientific and uncertain.

I think, Mr. President, that before I examine the provisions of the bill now before us I ought to refer to the act of Congress of which it is an amendment. It is generally believed throughout the country that this is the beginning of an attempt to subsidize our merchant marine, or, to state it more accurately, to create a merchant marine through the medium of a subsidy. The popular notion is an error, for in 1891 the United States granted or made provisions for a subsidy to merchant ships, and I instance it in order to emphasize in the very beginning that we are doing here precisely what it might have been expected that we would do, beginning the subsidy with the grant of a small amount and then increasing it from time to time, as it might seem necessary to those engaged in such enterprises.

The act of 1891 is not only a subsidy in the form of the provision it makes for the mail service, but it is a subsidy in terms; and I desire to read the first section of the act in order that there may be no question whatsoever with respect to its intent and its purpose:

Be it enacted, etc., That the Postmaster General is hereby authorized and empowered to enter into contracts for a term not less than 5 nor more than 10 years in duration, with American citizens, for the carrying of mails on American steamships between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment—

And I beg that Senators who are here will remember this grant of discretion—

as in his judgment will best subserve and promote the postal and commercial interests of the United States; the mail service on such lines to be equitably distributed among the Atlantic, Mexican, Gulf, and Pacific ports.

There was no concealment at that time with regard to the purpose, and the chief purpose, of the act. It was intended to give the Postmaster General the power within the limits that are prescribed in this law to expend the money put at his disposal to promote the commercial interests of the United States. The effort then made has been unsuccessful; it has not promoted the commercial interests of the United States to any considerable degree; and now it is proposed to enlarge within a maximum of \$4,000,000 the subsidy or donation on the part of the United States to the shipping interests in order again, as it is alleged, to promote these commercial interests.

Mr. FRYE. Mr. President—

The PRESIDING OFFICER (Mr. THORNTON in the chair). Does the Senator from Iowa yield to the Senator from Maine?

Mr. CUMMINS. With pleasure.

Mr. FRYE. Mr. President, the only reason why the act of 1891 was not successful and did not revive the merchant marine of this country was that the House of Representatives cut down the rates provided for in the bill as it went to the House from the Senate. They cut them down to such an extent that no man could afford to act under it.

Mr. CUMMINS. Mr. President, I have no doubt whatsoever that the Senator from Maine has stated the exact reason for the failure of the act of 1891. We did not appropriate enough money to make the ships, which it was hoped would be built and operated under the act, profitable, and I want to bring the Senate squarely to that issue. The act of 1891 and the present act can have no other purpose than to begin, at least, a movement that will terminate in a contribution from the Treasury of the United States that will make the business of transportation upon the sea by citizens of the United States in ships of the United States, operated by citizens of the United States, profitable to those who invest their capital in the enterprise. We might just as well put away all these pretenses with regard to the matter and determine here and now whether, in view of the disparity between the cost of the construction and operation of foreign ships and the cost and operation of domestic ships, we intend in the end to appropriate—it matters not how it is done, whether through the guise of mail service or in any other way—enough to enable American citizens in American ships to compete upon the high seas with foreign ships, officered, manned, and operated by foreign subjects. If we intend to do that, then this minute contribution to the object will be an ineffectual and almost absurd attempt in that direction.

As the Senator from Ohio [Mr. BURTON] said a few moments ago, while the subject is not entirely certain, we pay for transportation upon the high seas, including the export business done by the people of the United States, something like \$200,000,000 a year. It costs, as everybody knows who has investigated the subject at all, 25 or 30 or 33 per cent more to do that business under the laws of the United States and under the conditions of the United States than it costs under the conditions and under the laws which pertain to the foreign service. And we might—

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. In a moment. We might just as well look far enough into the future to enable ourselves now to come to the conclusion whether we intend to support our merchant marine with a contribution that in the aggregate will exceed \$50,000,000 a year. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. This particular question, Mr. President, always seems to excite fantastic theories in the minds of its opponents. The Senator from Iowa knows that this matter will be in the hands of future Congresses. We can not bind a future Congress to increase whatever rate of compensation this Congress sees proper to give for the carriage of our mails. The idea that it is ever going to reach the proportions of \$50,000,000 a year or \$25,000,000 a year is fantastic. There is no danger of that, and we certainly can trust our successors to be, perhaps, wiser than we ourselves are.

Now, one other point: The Senator from Iowa says that the law of 1891 failed. It did not fail completely; it partially failed. Under that law we are operating four great steamships across the North Atlantic, we are successfully operating steamship lines to Mexico and to the West Indies, but when we come to the long routes of travel to South America we find that it would not pay to put on first-class steamships, and second-class steamships can not do the business at the rate of \$2 a mile. So

we propose to give them a little added compensation, with a view of establishing those lines. I repeat, the present law has not been a complete failure, but only a partial failure. The Senator from Maine [Mr. FRYE] was the author of that bill. As it passed the Senate, it provided just about adequate compensation to make a successful venture along this line, but when the bill went to another body it was emasculated, and it has partially failed because of that fact.

Mr. CUMMINS. I shall not consume any time in discussing whether or not the law has failed. The Senator from Ohio has traversed that subject so fully that it would be presumptuous upon my part again to take up its details. I agree that those who come after us will probably be wiser and more patriotic—ah, no; I withdraw that; as patriotic as we are—and it is therefore that I hesitate to participate in an act which must be condemned by their higher wisdom, or, if they be not superior to us in that respect, that then may lead them into false paths of national travel. It is still true, as I said a moment ago, that the question we must now decide is whether we intend to compensate for the difference between the cost of doing business upon the ocean as it is seen in the foreign cost and as it is seen in our cost.

It is of little avail to make a contribution that will establish a single line; for, if the policy be sound, if it be a principle which we ought to adopt, then we should make it complete just as rapidly as possible. If it is wise for the United States to endeavor to take her share, if you please—and by share I mean her proportion—of all the commerce from her competitors of other lands by giving to our seamen and our shipowners a sum that will enable them to compete with their rivals on the sea, then we ought to contemplate, at least, even if we do not make the appropriation now, that at some time, just as rapidly as we can, we shall make that contribution adequate to accomplish the full and, as my friend from New Hampshire believes, beneficial result.

I do not believe that it is a sound principle of government. I do not believe that we can rightfully take from all the people of the United States either this small sum of money or any other sum and give it to those who are to enjoy its benefits. I do not believe that the Government of the United States, either in morals or in law, has any right to take money from the Treasury of the United States and devote it to a private purpose—that is, devote it to an enterprise out of which private profit may flow—unless it is sure that all the people of the United States will share alike, share equally in the advantages which may accrue from the subsidized business. I do not believe that this business is such a business as warrants a contribution from the Treasury.

The Senator from Ohio made several distinctions between taxes laid for the purpose of protecting our own markets against foreign invasion and the principle involved in the pending bill, which proposes to contribute not more than \$4,000,000 a year to the shipowners and the ship operators who will establish these routes. I do not dissent, or at least I will not dissent, from the reasons that he gave to distinguish these two cases. I do not say whether those reasons are sound or unsound, but there is one further reason which is sound and which satisfies my judgment and my conscience, and which does distinguish the tariff law from a subsidy to steamship lines. The difference—and it is as broad and as wide as the economic world—is this: We believe that duties levied upon imports for the purpose of equalizing the conditions of production between this and foreign countries will directly or indirectly benefit or advantage all the people alike; that if they bear the burdens of the protective duties they also share the blessings or the profits of the protective duties alike, without any discrimination whatsoever. With regard, however, to this contribution for the purpose of building up steamship lines, while I agree it may be a matter of judgment, from my point of view it can not and it does not benefit all the people alike, and therefore what we are asked to do here, if that conclusion be sound, is to take money from one man and give it to another without any compensation whatsoever, or at least without adequate and full compensation.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. It was not long ago that this Chamber rang with denunciations of the protective tariff as being a system of robbery, a system of inequality, and a system of injustice to a large proportion of the people of the United States. The attitude the Senator takes is exactly the attitude of the free trader in regard to our tariff law—that it is an injustice; that it is legislation for a class or for a part of our people, and a

discrimination against the remainder. We talk about equality of opportunity and about equality of citizenship, but there is no such thing as equality. Our rural mail delivery costs the country I do not know how many million dollars, but fifteen or twenty million dollars more than the revenue that is derived from it. It does not benefit the citizens of New York or Baltimore or Philadelphia or Boston or San Francisco or Detroit or Minneapolis. It is for the benefit of the rural communities. It is not a matter of equality as between our citizens. I do not say that as having any special bearing on this question, but I refer to it for the purpose of showing that, while we talk eloquently of equality under the law and all that, there is not any such thing.

Mr. CUMMINS. Mr. President, I hope the Senator from New Hampshire does not imagine that I believe there is anything like a mathematical equality either of advantages or of burdens in a country like ours. Nor do I assent to his view of the postal laws so far as the rural routes are concerned; but whenever it is proposed to take money contributed by the people through some form of taxation and give that money to a private enterprise and for private profit, it must be made to appear, not only clearly but conclusively, that those who contribute the money through taxation will be, broadly speaking, equally benefited; that they will share the advantages of the expenditure of the money just as fully and as completely as those who immediately receive it. There is no other principle upon which we can hold a Government like ours together.

With regard to the view that is taken by some persons of the tariff law, the man who takes that view and the man who holds that judgment is quite right in denouncing the law and in denouncing the policy. It is but logical; it is but honest. But those of us who believe that taxes laid at the custom-houses do distribute themselves over the people as a whole, so that every man, woman, and child, not mathematically but generally and broadly, enjoys like benefits from the operation of the law, do not concede—that is, all of us do not concede—that the people are likewise benefited by the establishment of a steamship line between New York and Rio de Janeiro or between New York and Buenos Aires. We do not concede that, and it has not been proved. On the contrary, every conclusion that can be drawn from the learned and exhaustive argument of the Senator from Ohio is that the people do not benefit from any such expenditure in any such way.

The only sentiment that is gratified—and I will come to that presently—is the national pride. The national pride would like to see the American flag in every port; and I share in that pride; but the question that comes to me is, Am I willing to appropriate for the American merchant marine \$50,000,000 or \$60,000,000 per year to gratify it, or, further, if foreign nations should in the meantime advance their subsidy grants and we should enter into a mad race of competition with them in subsidies, as we have been doing in the building of battleships, it might be \$100,000,000 a year? I am not willing to take the first step in a course which I believe will end in disaster and dishonor.

I call a little further attention to the law of 1891. I want Senators to remember—of course they have all been familiar with it in a way, but I want them to remember just what it is—it provides that the Postmaster General may enter into the contracts that I have mentioned, and it classifies ships into first class, second class, third class, and fourth class. The first-class ships, as I remember, are those of 8,000 tons burden and more and that maintain regularly or ordinarily a speed of 20 knots an hour. I do not know what the construction of the law has been, and I do not know what contracts have been made by the Postmaster General under this law. I have made inquiry, but as yet the information has not come to hand. Possibly the Senator from New Hampshire will be able to answer some of the questions that I may ask as I proceed. This law provides that a first-class ship may have \$4 per mile for carrying mail, without regard to the volume of the mail, without regard to the frequency of the service, without regard to anything save the size of the ship and the speed of the ship. It is not true, as I read the statute, that this compensation is limited to the miles which measure the outward voyage. The Postmaster General has the right, in the case of first-class ships, to pay \$4 per mile for both the outward voyage and the inward voyage.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. Yes.

Mr. GALLINGER. This is the first time that suggestion has ever been made in my presence. I think the law specifically says "outward voyage," does it not?

Mr. CUMMINS. On the contrary, the law limits second-class ships and fourth-class ships to compensation for the outward voyage, but puts no limitation whatever upon first-class ships and third-class ships.

Mr. GALLINGER. Mr. President, if that be so, evidently it was an oversight.

Mr. CUMMINS. It may be. It rather startled me.

Mr. GALLINGER. I have not read the law recently, but I have always supposed that it confined the compensation to the outward voyage. I know the compensation was given simply for the outward voyage; and in my amendment I specifically stated "outward voyage," that being the usual form. I know that no Postmaster General has ever had it in his mind to pay for both the outward and the inward voyage; and, again, I know that the department requires regular sailings under the specifications.

Mr. CUMMINS. I believe, Mr. President, that the Senator from New Hampshire drew his bill with that idea in mind; but I shall presently show him that, as I interpret it, his bill will allow second-class ships \$4 a mile for both the outward and the inward voyage and will allow third-class ships the compensation of second-class ships for both the outward and the inward voyage. I pause to say that I do not believe the Senator from New Hampshire intended that interpretation, but I will show him in a moment that it will bear no other.

I return now to the law of 1891. Let us see whether I am right or wrong. Section 5, which is the section that deals with the pay, provides—

Mr. GALLINGER. I will say, Mr. President, if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. Yes.

Mr. GALLINGER. The bill that I have presented reads:

That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891—

And so forth—

on routes to South America south of the Equator, outward voyage—

Mr. CUMMINS. No; the Senator did not read it all.

Mr. GALLINGER. I read that much.

Mr. CUMMINS. Unintentionally, the Senator left out the very part which destroys the connection between the outward voyage and the compensation.

Mr. GALLINGER* (reading):

In vessels of the second class on routes to South America south of the Equator, outward voyage.

Mr. CUMMINS. Yes; the term "outward voyage" modifies the routes south of the Equator, but it does not modify the compensation that is provided at all.

Mr. GALLINGER. The Senator is overtechnical about that. There is not anything in his contention.

Mr. CUMMINS. I am sure I am not overtechnical. I intended shortly to call that to the attention of the Senator in order that he might correct it, because I was very certain that he did not intend it, unless he followed the law of 1891. Will the Senator allow me to read that to him?

Mr. GALLINGER. Before the Senator reads that, I want to call his attention to the fact that the Postmaster General advertises for service on these various routes, and I think if the Senator will take the form of the advertisement he will find that all the conditions the Senator thinks ought to be in the bill are in the specifications.

Mr. CUMMINS. Precisely; if we have a Postmaster General of the very highest integrity and of the greatest wisdom I might be willing to repose in him some part of the power that is here given him, but the future is uncertain. We do not know whether in the years to come we will have such a Postmaster General, and I will convince the Senator from New Hampshire before I have finished that he has given the Postmaster General in this bill a power that was never yet reposed in mortal man by any legislative body on earth upon any other subject.

Mr. GALLINGER. Well, Mr. President, the Senator has taken a large contract.

Mr. CUMMINS. I may have taken a large contract; but I am assuming that the Senator from New Hampshire is open to conviction—

Mr. GALLINGER. I am; certainly.

Mr. CUMMINS. And that he is amenable to reason.

Mr. GALLINGER. I am.

Mr. CUMMINS. I have always found him so, and, therefore, I make this statement with absolute confidence. Section 5—I return now to the law of 1891—provides:

That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of \$4 a mile.

That is every word that the statute contains with regard to the compensation of first-class ships, and that means, of course, \$4 per mile for every mile sailed by the ship, whether outward bound or inward bound.

I do not know what the Postmaster General has done; I do not know how he has limited his notices and his contracts, if he has issued notices and made contracts; but we are here dealing with the power that is to be given to him, and not with the manner in which he may execute it. This law is to be tested by what he may do under it, and not by what he has done.

Now, mark you—
and for the second-class ships \$2 a mile, by the shortest practicable route, for each outward voyage.

That is the provision with regard to second-class ships, perfectly distinct, perfectly clear, but no more distinct and no clearer than the one I have read with regard to first-class ships.

The next paragraph reads:

For the third-class ships shall not exceed \$1 a mile.

There is no suggestion in the statute that it shall be \$1 a mile for the outward voyage. It is as broad as the English language can make it, and the Postmaster General under the law we have now would have the right to give first-class ships \$4 a mile for the voyage each way, and he would have the right to give third-class ships \$1 a mile for the voyage each way.

Now, let us see about fourth-class ships:

And for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required by the Post Office Department to be traveled on each outward-bound voyage.

I wish somebody whose memory runs back to 1891 and who is still here would tell us why this discrimination was made between first and third class ships and second and fourth class ships. The Senator from New Hampshire says that it never before was called to his attention, and before we have finished this discussion he will have opportunity to reflect upon it. I am curious to know.

I now take up the bill we have before us in order to read it in the light of the statute that I have just mentioned:

That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes to South America south of the Equator, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided in said act.

I agree that there may be room here for difference of opinion with regard to the application of the phrase "outward voyage." I agree that it might be interpreted to limit the compensation rather than to limit the course of the voyage itself. But when it is remembered that the statute of which this is an amendment makes no limitation as to first-class ships, and when the only purpose of this bill is to give second-class ships the compensation of first-class ships and to third-class ships the compensation of second-class ships, I believe it would be construed by any judicial tribunal before which it might ever come that the Postmaster General would have the power under this bill to give second-class ships on the routes that are proposed to be established, or that may be established, \$4 per mile for both the outward voyage and the inward voyage, or \$8 per mile for the outward voyage alone. I know it would certainly be interpreted to give third-class ships the compensation of \$2 a mile for both the outward voyage and the inward voyage. There can be no controversy whatsoever about the latter, I am sure.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. That feature of the discussion can be shortened by a suggestion from me that if the Senator from Iowa, who is an adept in the use of language, will prepare an amendment which will confine this pay to \$4 a mile on the outward voyage on these proposed routes, I shall be very glad to adopt his phraseology. The purpose is to give them \$4 a mile on the outward voyage.

Mr. CUMMINS. Is it the purpose of the Senator from New Hampshire to confine the compensation of third-class ships to the outward voyage also?

Mr. GALLINGER. Absolutely; I never dreamed of anything else.

Mr. CUMMINS. The Senator from New Hampshire can easily see that, taken in connection with the law of which it is an amendment, I could reach no other conclusion than that we were by this bill immensely increasing the compensation.

Mr. GALLINGER. There is no such purpose, and I will examine the original law carefully. It may be that it is as the Senator suggests. If it is, I am sure it was an unfortunate mistake in the bill, because I feel certain that the Senator from Maine [Mr. FRYE], who was the author of the law, will

bear me out in the statement—the bill was passed the first year I was in the Senate—that his purpose, and that of the other friends of the bill, was to confine it to the outward voyage. I will ask the Senator from Maine if that is not his understanding.

Mr. FRYE. So long a time has elapsed since then that I can not say what the purpose was. I should not myself at that time have felt seriously about the bill if it did have both outward and inward voyage in it.

Mr. CUMMINS. It can be readily seen that it would make a very great difference in the conclusions I might draw from the bill and as to its effectiveness in accomplishing its purpose. [At this point Mr. CUMMINS yielded for the day.]

Saturday, January 21, 1911.

Mr. GALLINGER. Mr. President, before the Senator from Iowa [Mr. CUMMINS] resumes the discussion on the bill now under consideration, I want to call his attention to the exact phraseology of the existing law. It will be remembered that the Senator from Iowa yesterday insisted that there was no inhibition in the law as to first-class ships receiving pay both for the outward and inward voyage. I felt quite sure that the Senator was mistaken on that point. I find, upon examining the law, although the Senator may not agree with me, that he was mistaken. The trouble was that the Senator punctuated the language with his voice, rather than with the commas and semicolons which the printer uses. Now, I want to read the law, and I want to call attention to where the commas and semicolons come in, if the Senator will follow me:

That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of \$4 a mile, and for second-class ships \$2 a mile,—

There is a comma there—two classes of ships. I will read it again:

That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of \$4 a mile, and for the second-class ships \$2 a mile, by the shortest practicable route, for each outward voyage;—

There is a semicolon there. Now, again:

for the third-class ships shall not exceed \$1 a mile and for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required by the Post Office Department to be traveled on each outward-bound voyage.

It is patent to my mind, and I feel sure it will be to any printer, that when you take the punctuation of the paragraph the meaning is clear. The first-class ships and the second-class ships are put in one class. Then provision is made that they shall receive pay for the outward-bound voyage.

But, Mr. President, even though the Senator from Iowa may dispute my interpretation of the law, I will repeat what I suggested to the Senator on yesterday, that there will be no controversy between the Senator and myself as to making the language of the pending bill so clear that nobody can possibly misunderstand it, and I will accept any suggestion from the Senator touching that point.

Mr. CUMMINS. Mr. President, when I referred on yesterday to the subject of which the Senator from New Hampshire has just spoken, I had before me the Revised Statutes of the United States. I assume that these statutes are the authoritative source of information upon this subject and with regard to the arrangement of the law. In the section to which I referred yesterday the arrangement is not as it would appear to be in the pamphlet from which the Senator from New Hampshire has just read. I do not know where he gets the pamphlet. I think there is no authorized publication of that kind. This section begins:

That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of \$4 a mile,—

It is true that the word "mile" is then followed by a comma, but the paragraph ends there, according to the Revised Statutes. Then a new paragraph begins with a capital letter, as follows:

And for the second-class ships \$2 a mile, by the shortest practical route, for each outward voyage.

It is utterly impossible, I think, to assume that any court or anyone taking the statutes of the United States could construe what I have just read in any other way than that first-class ships might be paid \$4 a mile for the entire voyage; and I may say, I think without a violation of confidence, that the Senator from Maine [Mr. FRYE], who had charge of the bill which afterwards became the law of 1891, is inclined to the opinion that it was intended that first-class ships should have \$4 per mile for the entire voyage.

But may I continue upon this point? I read another paragraph following the semicolon to which the Senator from New Hampshire referred:

For the third-class ships shall not exceed \$1 a mile.

And there is a period, completely separating that provision from any other in the statute. Then follows another paragraph:

And for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required by the Post Office Department to be traveled on each outward-bound voyage.

However, if the Senator from New Hampshire says that it is his purpose in the pending bill to limit the compensation of second-class ships to \$4 per mile for the outward voyage and of third-class ships to \$2 a mile for the outward voyage, there will be no difficulty whatsoever in so arranging its language as to make his meaning absolutely clear, and the conclusion which I intended to draw will be very much emphasized by the admission which the Senator from New Hampshire now makes, as I shall proceed to show.

Mr. GALLINGER. I find, Mr. President, that the text of the law as it was approved March 3, 1891, which I hold in my hand, is precisely as I have read it, while those who transferred it to the statutes took liberties that they were not authorized to take. However, it is inconsequential; we will fix it in the pending bill so that there will be no difficulty.

Mr. CUMMINS. It is only, Mr. President, consequential in this respect, that I was dealing with the authority which we here propose to grant to the Postmaster General, and I wanted the Senate to clearly understand just what authority is proposed to be conferred upon him. I take two examples in order to test the sufficiency of the bill in this particular regard. I will assume now that if the bill becomes a law second-class ships on voyages to South America will be entitled to \$4 per mile for the outward voyage. The distance from New York to Buenos Aires is 5,800 miles substantially, and the distance to Rio de Janeiro is 4,747 miles substantially. Under the operations of this bill, if we were to secure just one second-class ship, and if that ship made its voyage to the farthest point, it would earn, upon the assumption that it was entitled to \$4 a mile for the entire voyage, \$46,400, and upon the assumption that it was entitled only to compensation for the outward voyage it would receive \$23,200. Upon the like hypothesis for a voyage to Rio de Janeiro it would receive \$37,934 or \$18,992. Dismissing for a moment the larger compensation as not being within the contemplation of the author of the bill, and confining ourselves to the \$4 a mile for the outward voyage alone, this ship would earn in one year from the Government of the United States, if it made seven trips per year, which I assume is a maximum number of trips it could make between those points, \$162,400. If these voyages were limited to the nearer point, it would earn \$132,944.

May I ask at this point of the Senator from New Hampshire whether he knows the difference between the cost of operating an American-made and American-manned second-class ship for seven trips between the port of New York and the ports of South America and the cost of operating a similar foreign ship for seven trips between those ports?

Mr. GALLINGER. I can not answer the Senator definitely on that point. I think it was developed in the hearings before the Merchant Marine Commission that the difference in the cost of operation, including the crew and the provision schedule, was about 35 per cent as between an American and a foreign ship; but just how much difference there would be on each trip I am unable to tell. I know that it is absolutely impossible under the existing law to get any capitalist to engage in running ships to South America upon the basis of compensation that is now offered; and I know that the men who would put up the money for this purpose say that they can not afford to do so unless the compensation is doubled or they receive an equivalent compensation to that given to first-class ships.

Mr. CUMMINS. Can the Senator answer the same question with regard to third-class ships?

Mr. GALLINGER. No more definitely, only I know that we can not get a third-class ship to go on those long routes under the compensation provided by existing law.

Mr. CUMMINS. It is, then, Mr. President, as I feared. We are asked to grant a subsidy to persons unknown, to enterprises unknown, without being advised of the extent of the subsidy sufficient to compensate Americans and American ships in view of the difference between the cost of constructing American ships and operating them and the cost of constructing and operating foreign ships. It is not fair to the people of the United States to ask their Government to make a donation of this character save upon the clearest and most positive information with respect to the efficiency or effectiveness of the donation, if it be made.

Therefore it was that I said in the opening of my argument yesterday that this bill was not only based upon an unsound principle and could not command my vote under any circum-

stances, but that it was here applied, as it seems to me, in an unscientific and, without any disparagement whatever of the distinguished Senator from New Hampshire, I might add an unintelligent way. What we are trying to do, I assume—not I, but those who favor this bill—is to take from the Treasury of the United States the difference between the cost of rendering this service by Americans under American laws and the cost of rendering it under foreigners and under foreign laws. I for one would never even approach the subject with any idea of giving it the support of my vote until I knew what difference it was necessary to compensate, and whether the contribution that we were making would have some tendency at least to accomplish the purpose which it is desired to accomplish.

Mr. GALLINGER rose.

Mr. CUMMINS. Allow me to suggest now, before the Senator from New Hampshire rises, an illustration: In 1894 we gave a subsidy of \$4 per mile to first-class ships—I think \$4 a mile for the entire voyage. How far is it from New York to Liverpool—2,500 miles?

Mr. GALLINGER. Approximately 3,000 miles.

Mr. CUMMINS. Substantially 3,000 miles. Therefore, if my construction of the law is right, any first-class ship, under the law of 1891, could have received a subsidy of \$24,000 a trip on the route from New York to Liverpool.

Mr. GALLINGER. Mr. President, if the Senator will read the statute as it was printed after it was approved, he will find that that contention is absolutely incorrect. If the Senator will remember—

Mr. CUMMINS. I believe that to be the law at this time, but if the Senator says—

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield, of course.

Mr. GALLINGER. The Senator will likewise take cognizance of the fact that this law has been in existence for 20 years, and the compensation granted has been only for the outward voyage of the ship.

Mr. CUMMINS. Very well. If the Senator from New Hampshire assures me that that has been the construction put upon the law by the Post Office Department, I have no disposition to challenge his statement in that regard. If, however, we accept that interpretation, then, since 1891 a first-class ship between New York and Liverpool could earn \$12,000 on each trip. Assuming that it could make, and would make and ought to make, at least 12 trips per year, we have an aggregate annual contribution that could have been made by the General Government to that one ship of \$144,000. What has that done for the trade between New York and Europe? Substantially nothing.

Here is a route upon which the business was already established. It was not necessary to create business between New York and Liverpool or between New York and the ports of France or of Holland, and yet, with this power to give a first-class ship upon that, the most important route of the commerce of the world, \$144,000 per year, American enterprise and American capital have made no substantial inroad upon the business.

What is the conclusion? It is that if we are to undertake by donations from the General Treasury to build up the commerce of the United States in that respect we must make vastly larger contributions from the Treasury than the one I have suggested in order to accomplish our purpose. Yet it has been suggested here that, while the subsidy of \$4 per mile has been ineffectual in putting ships upon the route between the eastern coast of America and the western coast of Europe, with all the business that flows between these two great continents in a not only never-ceasing but an ever-increasing volume, we can in some fashion establish a new route between New York and Rio de Janeiro or New York and Buenos Aires.

I can not accept a suggestion of that kind with any confidence whatsoever. Let us first determine the policy that we shall pursue. If we intend to take by appropriations from the General Treasury in the nature of subsidies the carrying business of the world from those who now have it and confer it, in part at least, upon Americans and American ships, then let us inquire how much will be necessary in order to reach that end. When we have ascertained how much will be required, then we can consider intelligently and understandingly whether we desire to enlarge our carrying trade in that manner.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. The Senator is asking an impossibility. The Senator is one of those who, I believe, are of the opinion that by some method we can ascertain the difference between the cost of production at home and abroad. I do not believe that ever can be done. To figure out mathematically to a dollar just how much it will require to sail an American ship across the Atlantic or the Pacific Ocean in competition with ships of other Nations is, to my mind, something that never can be done.

But we have had some lessons. We have now one line across the North Atlantic. Under the provisions of the existing law we have four great ships plowing the deep from this side of the ocean to the other. If that subvention were reduced to any considerable extent, we know that those ships would go out of existence, and we know that every letter that an American sends abroad would go in a foreign ship. We should have exactly the experience we have had on the Pacific Ocean. When the great Oceanic Line was receiving \$2 a mile on trips to the Orient and to Australasia and losing three or four hundred thousand dollars a year, they came to Congress and said: "We have got to withdraw our ships unless we get greater compensation. We can not run them for less than \$4 per mile." That was figured out very carefully; but Congress, in its wisdom, refused to give it to them and the ships, as I suggested yesterday, are now rotting at their anchors in San Francisco, and we have no line across the Pacific Ocean.

I think the Senator is asking too much when he asks that anybody shall sit down and with pen or pencil figure out exactly the difference between operating an American ship and a British or a German or a Norwegian ship across the Atlantic Ocean. I do not believe it can be done, but those of us who have been interested in this matter believe that the compensation asked in this bill will accomplish what we hope for; and if it fails, as certain Senators predict it will fail, then it will cost the Government nothing.

Mr. CUMMINS. Ah, that is a fallacy in the reasoning of the Senator from New Hampshire. It does cost the Government something. The four boats which, as I understand, now run from the American coast to Europe and which receive subsidies under the act of 1891 are shining examples of the conclusion that I have attempted to reach, that it does cost the Government something to proceed in this unintelligent and unscientific way without conferring any benefit or advantage whatsoever upon the people as a whole. Every dollar that is paid to the American Line now, in view of its obscurity, in view of its inadequacy as compared with other lines between America and Europe, every dollar that goes from the Treasury of the United States to these boats is a dollar unfortunately and unwisely expended. It has not assisted the commerce of the United States that these four boats should do the little part of the business that they do between America and Europe.

It has not given to a man in the United States a single privilege that he did not theretofore enjoy. It has not increased for any man or for any men the business in which they are engaged, except the business of these boats alone. If now we could give a subsidy that would assure to American ships a fair proportion, comparing the commerce of America with the commerce of the rest of the world, of the business between New York and Liverpool and Cherbourg and Bremen and all the other great ports of the Old World, then I say we could at least consider the matter here with some understanding of the privileges that would be gained and the advantages that would be secured.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield to the Senator.

Mr. GALLINGER. Mr. President, the Senator means to be fair, but he is not quite fair in saying that there is no compensation whatever. These boats carry the American mail. We pay for the carriage of mail in American steamships a little over a million dollars, and we are to-day paying foreign steamships a very much larger amount for carrying our own mail; so that the Senator ought not to lose sight of the fact that this payment is not wholly without compensation.

It may be and doubtless is beyond the pound rate for carrying the mails. But if we are not to blot out the four remaining steamships we have on the North Atlantic Ocean, then the Senator ought not to find fault with a law that has been on the statute books for 20 years and has kept those four steamships there. I believe we have only eight or nine ships engaged in the overseas trade to-day in this great country of ours, and for one I do not want to see four of those eight or nine ships put out of commission by any action of the Senate of the United States; and it will not be done with my consent.

Mr. CUMMINS. I am not proposing, of course, to repeal the act of 1891, although I think it ought to be repealed.

I will come presently to the hope that we all have that we may once again be known upon the seas, but I am insisting that we should not by this little and ineffectual effort worm a little money out of the Treasury of the United States, paid, of course, by all the people, and which accomplishes no good whatsoever for the people as a whole. It may help a few men who are interested in these particular steamships to make a profit out of them; and that, as I think, is the only aid that it has so far conferred upon America or any of her citizens.

I pass, however, from that point, having taken much more time upon it than I intended, to another, and this I take it is also an inadvertence in the bill. I believe that under the bill as it now is it would be within the power of the Postmaster General to enter into a contract with a ship or a line of ships plying between New York and the ports of South America, south of the Equator, by way of Europe. There is nothing in the bill that limits the Postmaster General to a contract with steamships which ply directly between America and South America. I do not know that it would ever be done. I am simply questioning the propriety of giving to the Postmaster General power of that indefinite and unrestricted sort.

If we are to increase by twofold the compensation of second-class and third-class ships in the hope that direct lines will be established between New York or some other ports on the Atlantic coast and South America, they ought to be steamship lines that would not enter into the business between America and Europe, and in that way secure an increase of compensation for doing business that is not contemplated by the act itself. I think, if the act does bear the construction which I have suggested, the Senator from New Hampshire will agree with me that it ought to be corrected.

Mr. GALLINGER. I fully agree with the Senator, adding that there is just as much probability of a steamship line of the second class being put on to run first to Europe and then to South America, under the provisions of this law, as there is for an airship route to be established.

Mr. CUMMINS. I do not know. I do not agree with the Senator from New Hampshire about that.

Mr. GALLINGER. I do.

Mr. CUMMINS. There is no limit here as to time—none whatsoever. The steamship may take a year in the voyage if it desires to do so and can get business by doing it.

It can be easily seen that a voyage requiring the few days more than would be required in a voyage from New York to Rio de Janeiro, touching at some of the ports of England, might be a very much more profitable one, all things considered, than the voyage directly from New York to Rio de Janeiro.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. Yes.

Mr. GALLINGER. I am very anxious to please the Senator—

Mr. CUMMINS. No.

Mr. GALLINGER. Whenever I can. I will suggest to him that we will insert in the bill "by the shortest practicable route."

Mr. CUMMINS. That is in the law of 1891—

Mr. GALLINGER. Yes.

Mr. CUMMINS. And it ought to be in this bill.

Mr. GALLINGER. We are amending that law, and no doubt it applies to this bill. But we can repeat it.

Mr. CUMMINS. That is just the reason I thought it ought to be in this bill.

My next objection to this bill is with reference to the power that it gives to the Postmaster General. I want to recite some of the things the Postmaster General may decide; and it may be said here that his discretion in the matter is unreviewable and from it there is no appeal.

Mr. GALLINGER. Will the Senator from Iowa permit me for just a moment?

Mr. CUMMINS. Yes.

Mr. GALLINGER. The Senator from North Carolina has very kindly called my attention to a provision in the existing law which says that "no vessel except of said first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain."

Mr. CUMMINS. Precisely; but this—

Mr. GALLINGER. So that a second-class vessel, unless we repeal the provisions of this law, could not be accepted—

Mr. CUMMINS. Ah!

Mr. GALLINGER. For this service.

Mr. CUMMINS. That is not an answer to my suggestion, and anyone thinking a single moment about it will know that

it is not an answer. We are here promoting second-class ships and third-class ships to the place of first-class ships and second-class ships, and the limitation in the law of 1891, in regard to first-class ships, does not apply to second-class ships or third-class ships any more than the provisions in regard to the size and character of construction, and so forth, apply to second or third class ships.

Mr. GALLINGER. Giving added compensation to second-class ships does not make them first-class ships.

Mr. CUMMINS. Certainly not.

Mr. GALLINGER. Certainly not.

Mr. CUMMINS. Therefore the provision in the bill that none but first-class ships shall be employed upon the routes between America and Europe does not apply to second-class ships. We are simply increasing the compensation of second-class ships. Therefore it is perfectly clear to anyone who will read the bill that the limitation in the law of 1891 would not apply to the second-class ships or the third-class ships for which provision is made in this bill.

Mr. GALLINGER. I do not agree to that at all.

Mr. CUMMINS. Very well. I can not help that. I am sorry the Senator from New Hampshire does not agree with it. It is as clear as any proposition that could be made.

I recur now to the matter of the power that is reposed in the Postmaster General. First, it leaves with the Postmaster General the determination whether any given line of ships is sufficiently important to warrant the subsidy.

I wish the senior Senator from Idaho [Mr. HEYBURN] were here to consider this unrestricted power given to the Postmaster General. I want all those who oppose or think it is dangerous to give power to commissions to reflect a little on what is here done with the Postmaster General. There are a great many who seem to fear that some part of the congressional authority may be delegated to the coming Tariff Commission with regard to the making of import rates of duty. How many of you would be willing to give to a tariff commission the right to increase or decrease a rate for the admission of imports? Not one. And I think very wisely, for I would not be willing to give that power to a commission save accompanied by a rule which could be applied with precision and accuracy. But here, to the extent of \$4,000,000, the bill proposes to say to the Postmaster General, "If you believe that the establishment of a certain ship or a certain line of steamships is sufficiently important to the commerce of the United States, if it will help the business of the United States enough, you may enter into contract with it to the extent of \$4,000,000, or some part of the \$4,000,000."

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. Let me finish that thought and then I will yield. If this were a mere payment for mail service, if it were intended here to give adequate compensation for the actual transportation of the mails, I would not object to this discretion; but when you seek to give to an officer like the Postmaster General the whole custody of the Government of the United States and to allow him to determine when and in what event and how the money shall be expended so as best to promote our commerce, I think you are violating the spirit of our institutions.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. If that be so, we have been violating it for 20 years.

Mr. CUMMINS. Certainly you have.

Mr. GALLINGER. The Senator is speaking against a law which has been on the statute books for 20 years.

Mr. CUMMINS. I am.

Mr. GALLINGER. And I believe the Senator is the first man in either House of Congress who has challenged the propriety of that law.

I will ask the Senator, If this discretion is not to be left in the hands of the Postmaster General, in whose hands is it to be left? The Postmaster General is authorized by the law to advertise in certain named cities of the United States asking if parties are willing to put up money to establish a line of steamships between certain points at a specified rate of compensation prescribed by the act of Congress.

Mr. CUMMINS. And if he does not want to advertise, if he does not think the commerce of the United States needs to be promoted, he need never advertise.

Mr. GALLINGER. I think that is right, and I think that is a very sensible thing for the Postmaster General to do—not to advertise for some imaginary lines.

Mr. CUMMINS. If, then, you had a Postmaster General who was afflicted with Democratic propensities and who did not believe in these indirect ways of promoting commerce, he would never advertise.

Mr. GALLINGER. Possibly not, although I have—

Mr. CUMMINS. Do you think it is wise to leave the subject in this way?

Mr. GALLINGER. I have altogether too much faith in the wisdom and justice even of the Democratic Party to believe that a Democratic Postmaster General would ever do what the Senator from Iowa suggests.

Mr. CUMMINS. In this respect I am entirely in sympathy with what would probably be the policy of a Democratic Postmaster General. I hope he never would advertise.

Mr. GALLINGER. Fortunately the Senator himself is not a Democrat. So there is no danger of our coming under his dominion in that respect.

Will the Senator from Iowa suggest in whose hands he would leave this discretion if not with the Postmaster General? Congress manifestly could not attend to the details of this work.

Mr. CUMMINS. I am so unalterably opposed to the principle itself that I have never inquired, even of myself, with respect to the manner in which money for such a purpose should be donated or contributed. Therefore any answer I might make to the Senator from New Hampshire would be of no value, as I have not attempted to construct the machinery through which any such subsidy should pass. I only know that it is illogical, and I think wholly unwarranted to take an officer of the Government, who has no more to do with the commerce of the United States than he has with the administration of the heavenly land, and give him complete and absolute power to dispose of a subsidy which is granted in the name of commerce and in behalf of commerce, to distribute it throughout whatever steamship lines he may think are sufficient to warrant it.

The second power that the Postmaster General has here is to determine from what ports and to what ports these steamships shall sail and depart. I do not believe you could find in the whole history of legislation a power like that given to a single man, especially to a man who is in nowise connected with commerce. Assuming that this money is to be given for commerce, we give to the Postmaster General the right to determine between what ports commerce shall take place; between what ports we shall endeavor to promote the business of the United States. It is with me so untenable a proposition that to state it is quite sufficient.

The third power that we give to the Postmaster General here is as to the time when the contract shall be made. He can wait for three years, if he likes to wait so long, before moving under this statute at all, and when he has waited three years if he then desires to move—if he has come to the conclusion that the commerce of the United States ought to be benefited in some way by this subsidy—then he may advertise, and even then it is left with him to determine whether the contract shall be for five years or 10 years, or any length of time between such periods.

It is left with him to determine the size of ships. He may prescribe impossible conditions, or he may prescribe ships which could not answer and would not answer the purpose you have in view. He is to determine the number of trips per year. In that way it is for him to say how much commerce shall be benefited and how many times it shall have an opportunity to pass from one port to another. He determines the times of sailing as well as the time when the service shall commence.

Now, if we intend to tax the people of the United States to maintain a merchant marine, then we ought to put the money raised by such taxation into such hands as will make its disposition reasonably intelligent and as will furnish a guaranty that our money will accomplish the purpose for which it is contributed.

I suggested a few moments ago, in the absence of the senior Senator from Idaho, that I felt sure if he were here he would sustain me in that position, knowing his determined opposition to giving to any commission the power to increase or decrease our rates of import duty. And yet we are doing here for our foreign commerce, or attempting to do for our foreign commerce, exactly what our import duties are supposed to do for our domestic commerce. I pass—

Mr. HEYBURN. Mr. President, I assume the Senator from Iowa does not care for me at this time, in the body of his speech, to express myself in regard to that matter.

Mr. CUMMINS. I hope, however, that the Senator from Idaho, before the bill is voted upon, will give that side of the question the benefit of his learning and his influence in this body.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. The Senator has repeated, and I think reiterated, the statement that the Postmaster General is to do this work in the interest of commerce. The Postmaster General is not authorized to do anything in the interest of commerce. The Postmaster General is authorized to advertise for the carriage of the mails of the United States at a certain rate, and that is all that the Postmaster General has to do with it.

There are some of us who believe it will develop commerce, and we have reason to believe it will, especially with South America. But that is not a matter which concerns the Postmaster General in the slightest degree. He has no authority to intimate that to any person whom he asks to bid for this service.

Mr. CUMMINS. The Senator from New Hampshire, who is the frankest man in this assembly, if I may be allowed to institute a comparison, deceives himself. He will not deceive anybody else.

If this payment—I care not what you call it—was intended as pay for the carrying of mail, then the suggestion of the Senator from New Hampshire would be very pertinent. But it is not intended as pay for mail carriage. The Senator from New Hampshire knows just as well as I do that the Postmaster General would never pay \$4 a mile for second-class ships carrying the mail that might pass between the ports of America and the ports of South America; for instance, between the port of New York and the port of Rio de Janeiro. He knows that the Postmaster General would not do any such foolish and absurd thing as that; and if he ever did do it without the authority of some such law as this, he ought to be immediately removed from his office.

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. If the Senator from New Hampshire will allow me to finish, the real truth is, and we ought not to hide it from ourselves, that we give this money, if we give it at all, in the hope that we shall put some American ships on the sea, and that we will increase in that way the business of America upon the sea and develop at the same time commercial intercourse to a greater extent than it now exists between the ports of the United States and the countries of South America.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am sorry to interrupt the Senator so often, but he is always good-natured in these debates. I agree with the Senator on that point. That was in the minds of some of us; but we do not delegate that matter to the Postmaster General. I agree that the Postmaster General should not of his own volition make this payment any more than the Postmaster General would carry second-class mail matter for what it is being carried now if he had the discretion lodged in his own hands. But Congress compels him to do that thing which, so far as second-class mail matter is concerned, is an infinitely worse subsidy than the Senator could possibly dream of in connection with American ships. So we can impose upon the Postmaster General the duty of paying this, which may be a larger amount than would simply pay for the carrying of mails, and he has no discretion to do otherwise than to carry out the law of Congress.

Mr. CUMMINS. Suppose it were asked of the Senator from New Hampshire whether he would be in favor of giving the Postmaster General the power of fixing the rates of postage on all kinds of mailable matter, what would be the Senator's answer?

Mr. GALLINGER. I should say no.

Mr. CUMMINS. Certainly. So would every patriot say no; and I think a like course of reasoning, if carried on in an unprejudiced way, would reach a like result here.

Mr. GALLINGER. There is no similarity at all.

Mr. CUMMINS. But I pass from that part of it to just one other consideration. I hope I have established one thing firmly in the minds of Senators who have listened to me, and that is that if we want to put American ships on the seas and pay what is necessary in order to enable us to compete with other countries, this is not the proper way to do it, and that it is the unscientific, the uninformed, and the unintelligent way to attempt it, and that we ought to have courage enough to face the principle itself and to determine upon a policy for the United States that will endure, and if we reach the conclusion—I am opposed to it—that we will attempt to make our merchant marine compete with the merchant marine of other countries through subsidies and make the business profitable through subsidies, then let us do it with the full understanding of the appropriations that must be made from year to year in order to accomplish our purpose, and let us accomplish it directly and not in the way proposed by this bill.

I now pass to another reason which seems to me conclusive against the proposition. The Senator from New Hampshire

says—and he has repeated it very many times here—that all other nations subsidize their merchant ships and that they sustain their ships by these contributions.

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. I will say nearly all other nations.

Mr. GALLINGER. No; but the Senator—

Mr. CUMMINS. The Senator mentioned Great Britain, and mentioned France, and mentioned Germany, and mentioned Japan, and those comprise substantially the list of mercantile nations.

Mr. GALLINGER. But the Senator is wrong in saying that I stated that they sustain their ships by subsidies.

Mr. CUMMINS. Oh!

Mr. GALLINGER. Quite contrary to that, in view of the low cost of construction and operation, I have an impression that so far as foreign ships are concerned there is very little need of subsidies as compared with our ships.

Mr. CUMMINS. Precisely; but I have heard it repeated over and over again that the foreign business is rendered more profitable through these subsidies, and that it would be—

Mr. GALLINGER. I never said it.

Mr. CUMMINS. And that it would be impossible for America to compete unless she followed the example of other nations in this respect, and of course not only followed the example, but far outran every other nation in the world in these subsidies, because we, in order to reach our purpose, would be compelled to appropriate a sum much greater than any other nation appropriates to compensate for the difference in the cost of doing the work by other nations and the cost of doing it by our own.

This, as it seems to me, furnishes a most conclusive reason for now and forever abandoning such policy of competition. Suppose we had a merchant marine of reasonable magnitude, sustained by subsidies granted from year to year, and that this merchant marine was successfully competing with Great Britain and with Germany and with France in the business of the high seas. Of course our contribution would be so much larger than any other nation as to startle not only the American mind but every other mind. But now, when we have reached that condition of equality with other nations, suppose Great Britain raises her subsidy, Germany advances her subsidy, France increases her contribution in order to maintain her supremacy upon the seas, what will America do under those circumstances? Will America advance her subsidies as well? And that, of course, is an event we must contemplate in determining what we shall do.

It means just this, that we are entering into a competition with other countries in subsidized ships and that we will be subject to the will, the ambition, the pride, the purse of other nations, and that we must make our subsidies conform to theirs, increasing always our subsidy beyond theirs to reach the difference between their cost of doing the work and our cost of doing the work.

We will then be, with regard to our merchant ships, precisely where we are with regard to our battleships. We are now, and have been for years, in a mad competition with other nations with regard to a navy. I am not objecting to the Navy, but I know and you know that Germany competes with England, and England with Germany, and France with both, and Japan with all, and the world is hastening on the way toward complete insolvency through the contributions that are made from the wealth of the people in order that each nation may hold its own upon the sea in battleships. Do you intend to adopt a similar policy with regard to your merchant ships? Is it not infinitely better that America shall control her own markets, as she is controlling them, and let those do the work of the seas who can do it most cheaply, than it is to enter upon any such indefensible, as I think, and disastrous course as must be pursued if these subsidies are to be continued?

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. The similarity between the creation of a navy and the establishment of a merchant marine I do not think is easily to be drawn.

In the first place all the ships we buy and make for our Navy are ours and belong to the Government. We will never be defenseless, although we may not have kept pace with other nations in increasing our armament.

Mr. CUMMINS. If the Senator will allow me, there he is very much mistaken. Under this bill the Government constructs no ships.

Mr. SMITH of Michigan. I understand. The Senator does not catch my meaning. I say we have our Navy; whatever it is,

it belongs to the Government; it is manned by Government officers, propelled by Government money, hovers around our harbors, because it belongs to us; and whatever our Navy may consist of it is ours to maintain and keep up. But a merchant marine created by a subsidy will belong to private individuals. Withdraw the appropriations for our Navy for a single year, and we have got our ships; but let a hostile majority in either branch of Congress withdraw its money supply to a subsidized merchant marine, and it will scatter to the four winds of heaven. We have done our transoceanic service incalculable harm when we base it upon the mere whim of either branch of Congress to maintain or to defeat.

I think that the proposition to subsidize an American merchant marine means that we are willing to circumscribe the growth of that marine within the limits of the money that we appropriate. It is just as certain as that we are discussing the matter here to-day that if our appropriation were \$10,000,000 our merchant marine would never extend beyond \$10,000,000; and if we wanted it \$20,000,000, we have got to make the appropriation for it or not get it at all when once we embark on this scheme; but let a hostile majority in either branch of Congress withdraw its support and fail to appropriate for a single year for the maintenance of our merchant marine, it will scatter, as I said a few moments ago, to the four winds of heaven; it may withdraw from our own country and go under the flag of some foreign country; not so as to the Navy.

For one I do not believe in a subsidized merchant marine. I want to have a merchant marine so well planned, so deeply embedded into our economic system, that Congress can not strangle it to death.

Mr. GALLINGER. You will never have it.

Mr. SMITH of Michigan. If I had my way about it I would amend every trade treaty we have in this country with a foreign nation and stimulate a merchant marine by discriminating in favor of such ships as fly our flag. In that way we will have a merchant marine that is founded upon some strength and some stability, and it will not be easily affected.

I know it has been frequently said that a merchant marine will never be established in that way. The Senator from New Hampshire smiles at the thought. I am not the first man to have expressed it. Trade treaties which seem to preclude such a possibility have been amended again and again; and within the last year and a half we have asked every other nation on the face of the earth with whom we do business to change their treaties with us in order that a maximum and minimum clause might be inserted therein.

When we have a merchant marine I hope it will be so firmly established that the whim of no single Congress can change it.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do; but before I yield I want to thank the Senator from Michigan for making, so clearly and so emphatically, an argument to which I was speedily coming.

Mr. GALLINGER. And, Mr. President, I want to congratulate the Senator from Iowa on the accession to his ranks.

Mr. SMITH of Michigan. O Mr. President, I do not know what the Senator from New Hampshire means by that.

Mr. GALLINGER. Just what I said.

Mr. SMITH of Michigan. I have never been an advocate of a subsidized merchant marine. I have voted against it every time my name has been called. My record for 16 years is unequivocally against it. I do not believe in the policy of subsidizing a merchant marine, although I have voted to divert a portion of our profits from the European mail service for the purpose of establishing mail service between our country and Australia, South America, and the Orient.

Mr. GALLINGER. Then it is not an accession.

Mr. SMITH of Michigan. No; it is not.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield.

Mr. GALLINGER. The Senator from Michigan is going to engage in a work that I think will tax the brains of all the able men of the country, not that of one man. We have 33 commercial agreements with foreign nations that we have got to denounce before we can reach the point the Senator pictures as a possibility.

Mr. SMITH of Michigan. Every one of them has been touched within a year.

Mr. GALLINGER. The Senator will make great progress in establishing trade with South America under a discriminating duty scheme when 92 per cent of all our exports from that country are free of duty.

Mr. SMITH of Michigan. "The Senator from Michigan" would not expect to establish commerce between South America and this country by subsidizing the merchant marine nor by discriminating duties. I want to say to the Senator from New Hampshire that I believe a subsidized merchant marine would not accomplish the purpose with South America at all. A careful study of the South American situation reveals the fact that foreign countries are establishing banking facilities in South America, and that more than any other single thing has promoted trade with Germany.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from New Hampshire?

Mr. CUMMINS. I want to yield to the Senator from New Hampshire for any question or suggestion.

Mr. GALLINGER. Certainly; the Senator yields to me to say one word more.

Mr. CUMMINS. I do want to continue my remarks, however.

Mr. GALLINGER. I will not interrupt the Senator further.

Mr. CUMMINS. I do not want the Senator to understand that I prohibit his interruptions.

Mr. GALLINGER. I simply wanted to point out in a word what I think is the impossibility of the Senator from Michigan carrying out the scheme whereby he proposes to rehabilitate the American merchant marine. He is on the wrong track entirely. I thank the Senator from Iowa.

Mr. CUMMINS. Mr. President, when I was interrupted by the Senator from Michigan—and I am very much obliged to him for interrupting me and stating so emphatically and so earnestly his opposition to this measure and supporting his position by reasoning so clear and conclusive—I was suggesting that we would eventually find ourselves in the same competition with foreign nations with regard to a subsidy for the merchant ships that we now find ourselves in regard to a navy. Of course, there is no exact parallel between merchant ships and the Navy; but the national pride will have been enlisted, capital will have been invested, and citizens of the United States will have put their money into a fleet of merchant ships under the encouragement of a subsidy. Then, if the action of a foreign nation makes that subsidy inadequate, we must increase our subsidy or do injustice to our own citizens—a thing we will never do. Therefore I protest against the beginning or the continuation of the policy.

The fundamental objection to a subsidy of this sort is that it is an arbitrary use of governmental power; that it is taxing the people of this country to contribute to private business, and that the advantages, if there are any to accrue from a subsidized merchant marine, do not accrue to all the people of the United States and can not be shared by them in the proportion or in substantially the proportion in which they contribute to the creation of the fund. It is fundamentally wrong, and I was about to say viciously wrong, to take our money in order to make capital invested in some enterprise profitable unless that enterprise does confer a general, universal, and fairly distributed advantage.

Mr. HEYBURN. May I ask the Senator a question?

Mr. CUMMINS. Certainly.

Mr. HEYBURN. I merely want to ask the Senator if he will enumerate some productive enterprise that would not be benefited by it.

Mr. CUMMINS. Yes, sir. I will not attempt, however, to enumerate them all.

Mr. HEYBURN. No; not all.

Mr. CUMMINS. I will enumerate by saying that none will be benefited except those who are engaged in the service itself. I agree that national pride would be gratified, stimulated, and fostered, but in no other way would this be effective throughout the country.

Mr. HEYBURN. Would it impose upon the Senator's patience if I were to suggest one enterprise that would be benefited?

Mr. CUMMINS. I have no objection.

Mr. HEYBURN. The price of charters for export of wheat would be reduced at least 30 per cent by it.

Mr. CUMMINS. Mr. President, has there ever been a cargo of wheat shipped from New York to ports in South America south of the Equator?

Mr. HEYBURN. I am now speaking of the bill.

Mr. CUMMINS. Has there ever been a cargo of wheat from the western coast of this country to ports in South America south of the Equator?

Mr. HEYBURN. But to Asiatic ports it is a very large item.

Mr. CUMMINS. Mr. President, this bill does not apply to any such subject, and when we reach that, if I have the opportunity to do it, I will deal with it as best I can.

I was very much impressed with a statement made by the Senator from West Virginia [Mr. SCOTT] with regard to the very great desire of the American people, as they travel abroad from continent to continent, to see the American flag at the masthead of the shipping in the ports of these countries. I share that desire. I have as much pride in the American name and the American Nation as any man who breathes. But there is just one way in which we can put our flag upon the seas, if we do not contribute a hundred millions or a hundred and fifty millions a year in order to compensate for the difference between the cost of building and operating foreign ships and American ships. There is but one way, and I should like to know how many of these Senators are willing to take that way. If you will allow any ship, no matter where made, to adopt the American registry; if you will eliminate or abolish the restrictions which we have put upon American shipping with regard to officers and men; if you will so amend our laws as that the restrictions shall relate only to reasonable sanitation, then American enterprise and genius will soon supply the world with examples of our energy and our vigor in the carrying trade. We have not now a man at work, probably, upon an American ship, save those that are built for the coastwise trade. We have no men upon the high seas engaged in this business. The suggestion that I make would take from no man his labor. It would take from no enterprise its business. It would simply let Americans enter, upon fair, even terms with the other nations of the world, on this business that must be carried on without limitation, without restriction, because there is no way that we can confine the trade of the high seas to Americans and in American ships.

If the Senator from New Hampshire would be effective, he would bring forward some such measure as that instead of endeavoring by a forced and artificial stimulus to put a few ships upon a few routes from the coasts of North America to the coasts of South America.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. I may have misunderstood the Senator—my attention was diverted for a moment—but did I understand the Senator to say that he would be in favor of reducing the pay of the men who man our ships at the present time?

Mr. CUMMINS. What does the Senator mean by our ships?

Mr. GALLINGER. I mean the few ships we have in the foreign trade and those we hope to get.

Mr. CUMMINS. If we are attempting the possession of the sea, I am in favor of taking the restriction from the American registry. I am in favor of allowing the ships when so taking the American registry to be manned as other ships of the world are manned.

Mr. GALLINGER. By coolies and lascars?

Mr. CUMMINS. It makes no difference by whom. We are not doing that business now. It would not take a single American man from his place.

Mr. GALLINGER. Is not the Senator in favor of giving the American man a chance to get a place?

Mr. CUMMINS. The American man is employed at this time in a business which in and of itself is profitable. If it were not so, he would be on these ships. You can not divert American capital into an unprofitable business, and we ought not to want to divert American capital into an unprofitable business.

You can not put American men in competition with coolies and with the people of other nations of the earth who are willing to work at wages half or less than half of the wages that can be earned by our citizens upon our own soil. Our people are not doing this work now. You want to enlarge the field of our enterprise, and you can not enlarge it unless you enter into competition with the world, and entering into that competition you must employ the same methods that they employ, or you must compensate for the difference in contributions from the Treasury. Now, take your choice. I am perfectly willing to accept the situation as it is now, and not attempt to dispossess the world of a business that it is carrying on for vastly less than we can carry it on. But in order to indulge the hope, in order to gratify this apparent demand for business on the high seas, I say I am willing to allow the American flag to float above the ship that is officered by an American, but which is manned by the same kind of labor which enables foreign ships to drive American ships from the seas.

Mr. GALLINGER. And made in a foreign shipyard?

Mr. CUMMINS. Yes, sir; so far as I am concerned, I believe we ought to have the right to buy ships wherever we can buy them cheapest.

Mr. GALLINGER. Why not buy goods where we can buy them cheapest?

Mr. CUMMINS. Ah, the Senator from New Hampshire—

Mr. BURTON. Mr. President, will the Senator from Iowa allow me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. GALLINGER. I have a further question to ask the Senator from Iowa. I wanted to ask the Senator if I understood him to say—I may not have understood him correctly—that he is in favor of abolishing the added comforts we give the American seamen and the officers as compared to foreign ships.

Mr. CUMMINS. I did not.

Mr. GALLINGER. I thought the Senator did say that.

Mr. CUMMINS. I said reducing our restrictions to those only which provide for proper sanitation and health. I very distinctly made that exception, as the Senator from New Hampshire will see.

Mr. GALLINGER. We do not believe we have given them any more than they deserve at the present time. They are very much greater than any foreign nation give their sailors and their officers. It costs more money, but we are in favor of keeping them right where they are, if indeed they should not be further improved.

Mr. CUMMINS. Mark you, if the Senator from New Hampshire will allow me, I am not insisting upon that. I am not insisting that we should enter this business, but I am insisting that if we do enter it we must enter it in the only practicable way that is open for us.

Mr. GALLINGER. The question of free ships has been discussed so much that almost everybody except the Senator from Iowa has abandoned it; and perhaps before the debate is closed I will point out the utter impossibility of solving this problem through that instrumentality.

Mr. CUMMINS. I was simply, Mr. President, pointing out to the Senator from New Hampshire that that was the only way.

Mr. GALLINGER. It never will be done.

Mr. CUMMINS. I am not seeking to enter it, but if the Senator from New Hampshire insists upon covering the ocean with the American flag, which I would dearly love to see floating at every masthead, then he must adopt the plan that I have suggested, for there is no other save an inconceivable one; that is, inconceivable in the sense that the American people will agree to it—appropriations to compensate for the difference between our cost and the foreign cost.

I yield to the Senator from Ohio.

Mr. BURTON. The Senator from New Hampshire seemed to make a comparison between a protective duty on ships and one upon goods. I should like to ask the Senator from New Hampshire if it is not a fact, first, that a ship is the only article that we can not import into this country under some terms, duty or no duty; and, second, is it not a fact that practically every other country in the world, including those with high and low protective duties, allows its register to a foreign-built ship without the payment of any duty?

Mr. GALLINGER. I do not agree to that at all, Mr. President. I said the other day, which is a fact, that both the British and German Governments insist that all ships which receive subventions from the Government shall be built in German and British shipyards, and again—

Mr. BURTON. I will state to the Senator from New Hampshire that that regulation is a very recent one, because some of the leading passenger ships in the German trans-Atlantic lines were built in England; and if such a regulation is strictly enforced I am not aware of it.

Mr. GALLINGER. The Senator knows—

Mr. BURTON. But as to all merchant ships, the boats which carry freight, at any rate, is it not true that they are allowed to take British or German or French register without any restriction?

Mr. GALLINGER. I presume that is so; but we are not imitating France, Germany, and England.

Mr. CUMMINS. I ask Senators to be as brief as possible.

Mr. GALLINGER. Certainly. I will not interrupt the Senator. The Senator from Ohio addressed a question to me and I had to answer. I will answer at greater length at some other time.

Mr. CUMMINS. I only suggested brevity because I wish to conclude.

Finally, having reviewed the subject as carefully as I care to review it, I come to a mere suggestion. It is admitted that the United States is in sore need of auxiliary ships even for the Navy we now have, without regard to any increase which is proposed for the Navy.

I agree to the suggestion several times made here that it must have brought great humiliation to every American heart to see a great fleet sailing round the world in order to establish in the minds of the people of the earth the vastness of the

American Nation and to observe that fleet accompanied from beginning to end with supply and auxiliary ships belonging to other nations. I think it is the duty of the United States to build its Navy proportionately. I think it is absurd to insist on the building of battleships from year to year without making some provision for the supply of those ships at the very moment the ships become of any value whatsoever. If I could impose my will upon the laws of the United States, I would never build another battleship until the Navy we have is completely equipped with the supplementary ships that are necessary to make the Navy effectual in the hour of need.

Therefore I wish the Senator from New Hampshire, with his great influence, his long service, instead of asking the Congress of the United States to pour a subsidy into private enterprise to swell the profits of private business, would propose that we take \$15,000,000, the cost of a single battleship in full equipment, and spend the money in the construction of merchant ships, or ships that would be adequate for the use of the Navy in time of war and be adequate for the uses of commerce in time of peace; that when the appropriation was thus expended these ships should be manned by officers of the American Navy, possibly not with all the qualifications of graduates from the school at Annapolis, with the experience that intervenes between their graduation and their command of a ship, but officered by men who have enlisted in the service of the United States, manned by such men as were necessary to operate them as profitably as possible, and then in the time of peace put them into the service of the people, just as they will be called into the service of the people in time of war.

If it be found upon experiment that it involves too large a sum to maintain them in the service, then we are no more unfortunate with regard to them than we are with regard to the battleships themselves. We can maintain them, then, as we ought to maintain them, if they can not be profitably employed in commerce just as we employ our battleships in time of peace. In this way our people will know that their money is being expended for a public service. They will know that their money is not contributed to swell the fortunes of any man or any body of men. They will know that whatsoever we can do to promote commerce in times of peace we will do with these ships which form the complement to our ships of war.

I know it is said in reply that the ships that may be built under the provisions of this law will be subject to the call of the Government in time of war, but it is just as true that every other ship is subject to the call of the Government in time of war. Under the terms of this bill the Government has the right to condemn the ships if the price can not be agreed upon; but, without a line of the bill, without a word more than is now in our law, the Government has the right to condemn any private property in time of war to sustain itself or to maintain the war. There is no additional right given to the Government in this bill. The ships will be governed by precisely the same privileges, both on the part of the owners and on the part of the Government, that control all the private property of all the citizens of the United States.

Senators, this is a day, it seems to me, for some review of the policies of the United States. I know that I am contending against the policy of the law of 1891, but I trust that the mistake then made, although perpetuated for 20 years, may not longer continue as a reproach to the American Nation. This is a time for looking over governmental policies and purposes. This is the day in which we ought to determine broadly whether we are in the future to attempt to maintain a merchant marine through subsidies annually contributed by the Government of the United States. I do not know the circumstances under which the law of 1891 was debated or under which it was passed, but I do know that, in the light of the 20 years that have intervened since that time, in the light of the discussion that has gone on from one border of this country to the other, at every fireside, in every shop, in every factory, upon every farm in the land, the opinion of the people of the United States has crystallized against subsidies in any form whatsoever. It is not clamor; it is not unconsidered judgment; it is the deliberate and the highest expression of the popular mind that a country like ours can ever know. While I agree that we ought here to act according to our consciences and our judgments, in consulting our consciences and in making up our judgments it is our imperative duty to remember what the great proportion of 90,000,000 people believe upon this subject.

Mr. HEYBURN. Mr. President, I have no intention of doing more than briefly discussing this question. It has been occupying a recognized place in the business of the Senate for a long time; I think it ought to be disposed of; and we still have within the ordinary hours of the session of the Senate a reasonable margin of time, quite sufficient to enable me to say what I have to say on this matter.

The act of 1891 is the basis upon which it is proposed to pass this bill. The bill authorizing the Postmaster General to make mail contracts is existing law, and has been so for nearly 20 years. It is only a question of whether we shall extend that by legislation to meet existing conditions. The principal feature of the pending bill is that it proposes to pay \$4 per mile for service on a 16-knot ship. It simply raises the price per mile to be paid upon the only class of shipping that does business between the ports enumerated in the bill. There are no 20-knot ships running between our ports and the South American countries.

Mr. GALLINGER. There are no 16-knot ships.

Mr. HEYBURN. There are no 16-knot ships. So that there is no available shipping that can be awarded a contract under the act of 1891. The question is, Shall we abandon all efforts to establish and maintain and foster the commerce of this country with South American ports, or shall we try to build up that commerce? There is no law under which we can foster it.

I do not use the term "subsidy," because I do not consider the word has any application whatever to the proposals of this legislation. We have the mail to be carried; the possibilities of commerce exist. This proposed legislation is intended to bring those two great elements of prosperity together. A man might have merchandise at a point on the prairie and say to a railroad company, "If you build, we will allow you to haul this under contracts that will be profitable enough to justify you in building a road." I have in mind a circumstance that arose during the last year of a railroad 75 miles in length, built into a new Territory. They came to me and opened their books and said, "You see that we are just running on an even basis. If we could have the mail contracts, if we could carry the mail, that would represent our profit." That condition will arise in regard to steamships.

The possibilities of commerce exist in South American ports and in the ports of Asia and other countries. The fact that it exists is of no advantage whatever to the American people unless they can connect with it, and to connect with it they must do it through private enterprise, because there is not a man on this floor who would advocate any policy that would require the Government to build ships to make that possible commerce a reality.

This measure does not propose, any more than did the act of 1891, that we shall give something for nothing. We are now paying millions of dollars to foreign ships to do what it is proposed by this measure to do with our own ships. It represents one of the elementary principles of the policy of our Government, that we shall make one hand, as it were, wash the other. If the inducement offered, through a mail contract to a foreign port, added to the conditions that exist without it, represents the difference between profit and loss, if you offer the inducement you will get the traffic and if you withhold it you will not.

The price paid for the carrying of our mails to-day is higher than the price paid for carrying the mails of the European countries to which the Senator from Iowa [Mr. CUMMINS] has referred. That is in accord with the condition that exists in every walk and ramification of our business. We pay more for it and we get more for it. We get the civilization represented by our people; we get the business that our people need; we get the market that we need for our products. Why should we not, if we have to pay anybody at all, pay our own people? Why should we not make it profitable to build American ships through the giving to those ships of trade that we must give to somebody? The millions of dollars that we are now paying foreign ships would go very far toward maintaining these contracts.

I will not go into the details, though I have the figures here. I am speaking now of what we pay for carrying the mails. When we make it possible for an American ship to go to a foreign port with the mail, that ship will carry to that port for sale the products of our country that would not otherwise have gone there. It will create new markets for the products of this country, possibly to be found and maintained by the margin which the carrying of the United States mails represents.

I can not understand why there should be opposition to a measure of this kind. What gain is it to our Nation or to the people of the Nation that we pay money to foreign ships for carrying our mails? The gain is measured by the accommodation of getting the mail to the point to which it is carried. Why not couple that with a service which shall be under our own flag and carry our own products to the point where the mail is carried?

This bill as originally reported from the committee met with my approval, and I shall give it my hearty support. It then contained a provision that the services that are now proposed to be given from Atlantic coast ports to South America should

also be given to the Asiatic ports. We send millions of bushels of wheat to Asiatic ports from our section of the country, far in excess of that which the public generally accredits or has any knowledge. We send twice a week solid trainloads of wheat, year in and year out, under a regular system of export that goes to China. We send 25,000,000 bushels of wheat to those ports.

The whole question with us is, What does it cost to get it there? It goes down the Columbia River to Portland, Oreg. It goes to Puget Sound, and from these and other points it is shipped. The question is, What does it cost to get the wheat from our ports to the ports of China?—for therein lies the possibility of profit or loss. I have not looked recently at the price of charters, but I know that we are entirely at the mercy of foreign vessels, largely German, for that trade, and there is such a combination among them that we have not the benefit of competition. With American vessels, sustained or supported to the extent of the mail contracts, the inducement would result in the construction of American vessels for that trade. They would carry not only our wheat, but much else, to Asiatic and Australian ports.

I have talked this matter for years with those who are engaged in the trade, and for years have advocated this policy. The conceded fact, based upon a thorough knowledge of the question, is that to increase the number of American registered ships sailing out of the ports from which our wheat and other products are shipped would result in a reduction of from \$4 to \$6 a ton under the charters. Figure that up on the 40,000,000 bushels of wheat. That would be money remaining in the country and never going out of it. That would be clear profit to the owner of the wheat. That is what fixes the price of wheat for export in that country. Is it not commendable to bring about a condition where our people who have the money and the enterprise will build a fleet of merchant vessels that in competition with foreign vessels will carry that vast tonnage?

Mr. GALLINGER. Mr. President, the Senator from Idaho alluded to the fact that in the original draft of the bill provision was made for steamship routes across the Pacific to the Orient. That is true, but the provision was dropped out of the substitute. I want to say, however, to the Senator that, after full consideration of the case, it is my purpose to ask that the substitute shall be so amended as to provide in that respect precisely what was provided in the original bill.

Mr. HEYBURN. Mr. President, I am speaking with that understanding and on that assumption, because both the act of 1891 and this bill as reported from the committee provide for the application of this law to the Pacific ports.

Mr. CUMMINS. May I ask a question, Mr. President?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I was sitting so far back that I could not hear distinctly what was said by the Senator from New Hampshire, but I gathered that he intends to move to amend the substitute so as to include routes from the Pacific ports to Australasia.

Mr. GALLINGER. That is my purpose.

Mr. HEYBURN. To reinsert the words "to the Philippines, to Japan, to China, and to Australasia," in lines 6 and 7, which were stricken out. I was speaking with that understanding.

The provisions of sections 8 and 9 of the act of 1891 are applicable to this bill. That act requires that every one of these ships shall be manned by American officers, that they shall be built in American shipyards, and—

SEC. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under 21 years for each 1,000 tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

When this matter has been under consideration in years gone by, I have dwelt upon that and urged that as a provision that would result in great good to American boys in teaching them to be sailors of the higher order and equipping them to be officers in time of war. Of course, section 9 of the act of 1891, which provides that these ships may be taken by the Government in time of war, remains in force under this bill.

Mr. President, in my judgment there is little necessity for saying more than I have said on behalf of this bill. If we had to create a mail to be carried at some expense to the United States, then much of the argument that has been made against this bill might be applicable. We have that mail, and that is a necessity that has to be taken care of. In addition to that, I repeat—and I can not urge it too strongly—that the ports to which our mail is carried become ports in which to sell the products of our country. Any American ship that goes to a foreign port with mail goes there with a cargo of

American products and with the American flag on its mast. Is not that worth something? Will not that build up a great trade where no trade now exists?

From the time, years ago, when I was in private life, when this question was up, I have discussed it with the people in the campaigns. In one campaign in Idaho I took it up for special consideration and had the gratification of knowing that amongst the people of Idaho, when they understood that a measure of this kind would create a new and a better market and better facilities for reaching that market, there was no more talk about ship subsidy. I never referred to it as a subsidy. It is not a subsidy any more than is the price you pay the railroad for carrying the mail from here to New York a subsidy. Railroads have been built in contemplation of the services that they would perform for the Government and the profits that they would derive therefrom. That is entirely legitimate. I presume every railroad that has been constructed within the last 40 years, in determining the question whether it was a good enterprise, has taken into consideration the fact that it would receive a contract for carrying the mails. The people demand that the mails be carried, and they are carried for the benefit of the people, not of the Government of the United States. The people, not the Government of the United States, create that which constitutes commerce. They raise the wheat and the thousand things that we sell abroad; and it is in the interest of the people that we are to provide an enlarged system, a better method, a wider commerce for their products.

Eliminate the word "subsidy." It has grown fashionable in late years to invent some term of opprobrium and apply it to a cause that can not be attacked successfully in any other way. You hear nothing in this case but the repeated charge that it is a subsidy. Is it a subsidy that we pay for carrying the mails to the city of Chicago, or is it compensation for service rendered? Will it be a subsidy that we pay for carrying mail, actually in existence and necessary to be carried, to the ports of South America and Asia, or will it be a compensation for a service rendered to the people of the United States—not to some aggregation of capital, not to some corporation, but to all the people?

Those reasons are sufficient in themselves, as they have always been sufficient in my mind, to induce me to support governmental measures that would build up a new commerce, afford a means of transporting our mails, create an acquaintance in foreign business circles, and bring back hundreds of millions of dollars that would be paid for the transportation of that which we had created and for which we had found a market in foreign fields. Is not that worth considering in connection with this measure, that has no argument against it except the opprobrious epithet that it is a subsidy?

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, January 23, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 21, 1911.

UNITED STATES MARSHAL.

William S. Cade, of Oklahoma, to be United States marshal for the western district of Oklahoma, vice John R. Abernathy, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Wilber E. Wilder, Cavalry, unassigned, to be colonel from January 19, 1911, vice Col. Walter S. Schuyler, Fifth Cavalry, who accepted an appointment as brigadier general on that date.

Maj. James Lockett, Fourth Cavalry, to be lieutenant colonel from January 19, 1911, vice Lieut. Col. Frederick W. Sibley, Fourth Cavalry, detailed as inspector general on that date.

Capt. Grote Hutcheson, Sixth Cavalry, to be major from January 19, 1911, vice Maj. James Lockett, Fourth Cavalry, promoted.

First Lieut. George T. Bowman, Fifteenth Cavalry, to be captain from January 19, 1911, vice Capt. Grote Hutcheson, Sixth Cavalry, promoted.

Second Lieut. William W. Overton, Fifteenth Cavalry, to be first lieutenant from January 19, 1911, vice First Lieut. George T. Bowman, Fifteenth Cavalry, promoted.

INFANTRY ARM.

Lieut. Col. Lea Febiger, Sixth Infantry, to be colonel from January 19, 1911, vice Col. Joseph W. Duncan, Sixth Infantry, who accepted an appointment as brigadier general on that date.

Maj. Henry Kirby, Eighteenth Infantry, to be lieutenant colonel from January 19, 1911, vice Lieut. Col. Lea Febiger, Sixth Infantry, promoted.

Capt. Ulysses G. McAlexander, Thirteenth Infantry, to be major from January 19, 1911, vice Maj. Henry Kirby, Eighteenth Infantry, promoted.

Capt. William K. Jones, Infantry, unassigned, to be major from January 20, 1911, vice Maj. Charles L. Beckurts, Fifth Infantry, whose resignation was accepted to take effect January 19, 1911.

First Lieut. Fred E. Smith, Third Infantry, to be captain from January 19, 1911, vice Capt. Ulysses G. McAlexander, Thirteenth Infantry, promoted.

POSTMASTERS.

ARKANSAS.

J. G. Irwin to be postmaster at Eudora, Ark., in place of Harry Harriman, removed.

CALIFORNIA.

Nelson T. Edwards to be postmaster at Orange, Cal., in place of Nelson T. Edwards. Incumbent's commission expired June 11, 1910.

Harry S. Moir to be postmaster at Chico, Cal., in place of John W. Magee. Incumbent's commission expired December 19, 1910.

CONNECTICUT.

James H. Pilling to be postmaster at Waterbury, Conn., in place of James H. Pilling. Incumbent's commission expires February 13, 1911.

GEORGIA.

Wilbur S. Freeman to be postmaster at Claxton, Ga. Office became presidential January 1, 1911.

ILLINOIS.

Henry E. Burns to be postmaster at Chester, Ill., in place of Ebenezer J. Allison, removed.

John Otto Koch to be postmaster at Breese, Ill., in place of Fritz Dorries, deceased.

James A. Lauder to be postmaster at Carterville, Ill., in place of James A. Lauder. Incumbent's commission expired January 16, 1911.

Allen T. Spivey to be postmaster at Shawneetown, Ill., in place of Allen T. Spivey. Incumbent's commission expires January 28, 1911.

William H. Pease to be postmaster at Harvey, Ill., in place of William H. Pease. Incumbent's commission expires January 30, 1911.

INDIANA.

Samuel A. Connelly to be postmaster at Upland, Ind., in place of Samuel A. Connelly. Incumbent's commission expires February 7, 1911.

Thomas Rudd to be postmaster at Butler, Ind., in place of Thomas Rudd. Incumbent's commission expires January 30, 1911.

IOWA.

Oscar McCrary to be postmaster at Keosauqua, Iowa, in place of John W. Bruns, deceased.

C. J. Schneider to be postmaster at Garner, Iowa, in place of Charles S. Terwilliger. Incumbent's commission expired January 10, 1911.

James C. Scott to be postmaster at Glidden, Iowa, in place of William R. Orchard, resigned.

Henry G. Walker to be postmaster at Iowa City, Iowa, in place of Emory Westcott. Incumbent's commission expires January 31, 1911.

KANSAS.

Jacob D. Hirschler to be postmaster at Hillsboro, Kans., in place of Jacob D. Hirschler. Incumbent's commission expires February 18, 1911.

KENTUCKY.

Homer B. Bryson to be postmaster at Carlisle, Ky., in place of Homer B. Bryson, resigned.

J. B. McLin to be postmaster at Jackson, Ky., in place of Daniel D. Hurst. Incumbent's commission expired April 19, 1910.

MAINE.

William M. Stuart to be postmaster at Newport, Me., in place of William M. Stuart. Incumbent's commission expired December 13, 1910.

MASSACHUSETTS.

Frederick E. Pierce to be postmaster at Greenfield, Mass., in place of Frederick E. Pierce. Incumbent's commission expired January 7, 1911.

MICHIGAN.

H. H. Curtis to be postmaster at Vermontville, Mich., in place of Earl B. Hammond. Incumbent's commission expires February 12, 1911.

William J. Morrow to be postmaster at Port Austin, Mich. Office became presidential July 1, 1910.

Theodore Schmidt to be postmaster at Reed City, Mich., in place of Lou B. Winsor. Incumbent's commission expired February 22, 1910.

MINNESOTA.

Alfred Anderson to be postmaster at Twin Valley, Minn. Office became presidential January 1, 1911.

Eva Frances Fay to be postmaster at Raymond, Minn., in place of Stephen E. Fay, resigned.

Anders Glimme to be postmaster at Kenyon, Minn., in place of Anders Glimme. Incumbent's commission expired January 10, 1911.

Emma F. Marshall to be postmaster at Red Lake Falls, Minn., in place of Emma F. Marshall. Incumbent's commission expired January 10, 1911.

Dwight C. Pierce to be postmaster at Goodhue, Minn., in place of Dwight C. Pierce. Incumbent's commission expires January 31, 1911.

MISSISSIPPI.

Emma Mikell to be postmaster at Silver Creek, Miss. Office became presidential July 1, 1910.

MISSOURI.

Elijah L. Brown to be postmaster at Koshkonong, Mo. Office became presidential October 1, 1910.

Harry O. Halterman to be postmaster at Mount Vernon, Mo., in place of Harry O. Halterman. Incumbent's commission expires February 16, 1911.

MONTANA.

Lynn Comfort to be postmaster at Twin Bridges, Mont. Office became presidential January 1, 1911.

NEBRASKA.

Alvin Blessing to be postmaster at Ord, Nebr., in place of Albert M. Coonrod, deceased.

Lucius H. Denison to be postmaster at Crete, Nebr., in place of Horace M. Wells, deceased.

NEW JERSEY.

Judiah Higgins to be postmaster at Flemington, N. J., in place of Abraham W. Boss. Incumbent's commission expired May 22, 1910.

NEW YORK.

Joseph A. Douglas to be postmaster at Babylon, N. Y., in place of Joseph A. Douglas. Incumbent's commission expires January 22, 1911.

Genevieve French to be postmaster at Sag Harbor, N. Y., in place of Genevieve French. Incumbent's commission expires February 4, 1911.

John B. Lankton to be postmaster at Newport, N. Y., in place of John T. Davis. Incumbent's commission expired January 8, 1910.

Jonas M. Preston to be postmaster at Delhi, N. Y., in place of Jonas M. Preston. Incumbent's commission expires February 7, 1911.

Huet R. Root to be postmaster at De Ruyter, N. Y., in place of Huet R. Root. Incumbent's commission expires January 29, 1911.

NORTH CAROLINA.

Frank B. Benbow to be postmaster at Franklin, N. C., in place of Fannie M. Benbow, resigned.

Robert D. Langdon to be postmaster at Benson, N. C. Office became presidential January 1, 1910.

Clarence M. McCall to be postmaster at Marion, N. C., in place of Clarence M. McCall. Incumbent's commission expires February 13, 1911.

OHIO.

Elmer Sagle to be postmaster at Roseville, Ohio, in place of John H. Snoots, resigned.

Charles Wilson to be postmaster at Plain City, Ohio, in place of Rolla A. Perry, removed.

OKLAHOMA.

F. L. Berry to be postmaster at Taloga, Okla., in place of Ephraim R. Dawson, resigned.

W. I. Lacy to be postmaster at Anadarko, Okla., in place of William H. Campbell. Incumbent's commission expires January 31, 1911.

OREGON.

Reber G. Allen to be postmaster at Silverton, Oreg., in place of Arthur F. Blackerby, resigned.

PENNSYLVANIA.

John N. Brosius to be postmaster at Middleburg, Pa., in place of John N. Brosius. Incumbent's commission expired January 18, 1911.

Harry H. Hawkins to be postmaster at Spring Grove (late Spring Forge), Pa., in place of Harry H. Hawkins (to change name of office).

J. G. Lloyd to be postmaster at Ebensburg, Pa., in place of J. G. Lloyd. Incumbent's commission expires January 22, 1911.

SOUTH DAKOTA.

John W. Casselman to be postmaster at Wall, S. Dak. Office became presidential January 1, 1911.

Elmer E. Gilmore to be postmaster at Lennox, S. Dak., in place of Elmer E. Gilmore. Incumbent's commission expires February 18, 1911.

Henry E. Richardson to be postmaster at Woonsocket, S. Dak., in place of George L. Fish. Incumbent's commission expired June 29, 1910.

TENNESSEE.

M. H. Edmondson to be postmaster at Maryville, Tenn., in place of Mahlon Haworth. Incumbent's commission expired June 15, 1910.

VERMONT.

Kittredge Haskins to be postmaster at Brattleboro, Vt., in place of Herbert E. Taylor, deceased.

John S. Sweeney to be postmaster at Island Pond, Vt., in place of John S. Sweeney. Incumbent's commission expires January 23, 1911.

VIRGINIA.

Charles A. McKinney to be postmaster at Cape Charles, Va., in place of Charles A. McKinney. Incumbent's commission expired January 12, 1911.

WEST VIRGINIA.

Sherman C. Denham to be postmaster at Clarksburg, W. Va., in place of Sherman C. Denham. Incumbent's commission expired December 19, 1909.

Allison H. Fleming to be postmaster at Fairmont, W. Va., in place of Allison H. Fleming. Incumbent's commission expired March 5, 1910.

Robert Hazlett to be postmaster at Wheeling, W. Va., in place of James K. Hall. Incumbent's commission expired February 28, 1910.

Samuel W. Patterson to be postmaster at Vivian, W. Va. Office became presidential October 1, 1910.

WYOMING.

James V. McClenathan to be postmaster at Sunrise, Wyo., in place of Edward Redmond, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1911.

CONSUL.

Arthur J. Clare to be consul at Bluefields, Nicaragua.

APPOINTMENT IN THE ARMY.

GENERAL OFFICER.

Brig. Gen. Charles L. Hodges, United States Army, to be major general.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be colonel.

Lieut. Col. Rudolph G. Ebert, Medical Corps, to be colonel.

Lieut. Col. William H. Arthur, Medical Corps, to be colonel.

To be lieutenant colonel.

Maj. Charles Willcox, Medical Corps, to be lieutenant colonel.
Maj. Thomas U. Raymond, Medical Corps, to be lieutenant colonel.

Maj. Henry D. Snyder, Medical Corps, to be lieutenant colonel.

Maj. Allen M. Smith, Medical Corps, to be lieutenant colonel.

Maj. Joseph T. Clarke, Medical Corps, to be lieutenant colonel.

To be major.

Capt. Matthew A. Delaney, Medical Corps, to be major.

Capt. Horace D. Bloombergh, Medical Corps, to be major.

Capt. Paul S. Halloran, Medical Corps, to be major.

Capt. Kent Nelson, Medical Corps, to be major.

Capt. Peter C. Field, Medical Corps, to be major.

Capt. Herbert G. Shaw, Medical Corps, to be major.

Capt. Louis Brechemin, jr., Medical Corps, to be major.

COAST ARTILLERY CORPS.

Second Lieut. John P. Smith, Coast Artillery Corps, to be first lieutenant.

INFANTRY ARM.

First Lieut. Samuel A. Price, Twenty-eighth Infantry, to be captain.

CAVALRY ARM.

Lieut. Col. Charles M. O'Connor, Eighth Cavalry, to be colonel.

Maj. Eben Swift, Ninth Cavalry, to be lieutenant colonel.

Capt. Farrand Sayre, Eighth Cavalry, to be major.

First Lieut. William J. Kendrick, Seventh Cavalry, to be captain.

Second Lieut. Frank E. Davis, Eighth Cavalry, to be first lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

Second Lieut. Charles P. Hollingsworth, Ninth Infantry, from the Infantry Arm to the Field Artillery Arm, with rank from September 25, 1908.

INFANTRY ARM.

Second Lieut. Joseph T. Clement, First Field Artillery, from the Field Artillery Arm to the Infantry Arm, with rank from September 25, 1908.

POSTMASTERS.

GEORGIA.

Edward T. Peek, Locust Grove.

IOWA.

Stephen G. Goldthwaite, Boone.

Clyde E. Hammond, Dows.

Robert S. McNutt, Muscatine.

PENNSYLVANIA.

H. B. Calderwood, Tyrone.

Eli P. Clifton, Vanderbilt.

Luther P. Ross, Saxton.

William C. Shiffer, Expedit.

William S. Stickel, Perryopolis.

Luna C. Virgin, Hollsopple.

VERMONT.

Kittredge Haskins, Brattleboro.

WEST VIRGINIA.

Sherman C. Denham, Clarksburg.

Allison H. Fleming, Fairmont.

Robert Hazlett, Wheeling.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 21, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan, from the Committee on Appropriations, reported a bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1958), ordered to be printed.

Mr. BENNET of New York. I reserve all points of order on that bill.

The SPEAKER. The gentleman from New York [Mr. BENNET] reserves all points of order on the bill.

POST OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill (H. R. 31539), with Mr. STEVENS of Minnesota in the chair.

The CHAIRMAN. There is pending a point of order made by the gentleman from Massachusetts [Mr. WEEKS] against the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

Mr. WEEKS. Mr. Chairman, recurring to the amendment offered by the gentleman from New Jersey [Mr. HUGHES] just before the committee rose last night, I wish to direct the attention of the Chair to a decision of the Court of Claims recently made, relating to the eight-hour day, so called.

The act of May 24, 1888, which provided that eight hours shall constitute a day's work for letter carriers, was modified by the following clause in the act approved June 2, 1900, making appropriations for the postal service for the fiscal year 1901. The proviso is as follows:

That letter carriers may be required to work, as nearly as practicable, only eight hours on each working-day, but not in any event exceeding 48 hours during the six working-days of each week, and such number of hours on Sunday, not exceeding eight, as may be required by the needs of the service; and if a legal holiday shall occur on any working-day, the service performed on that day, if less than eight hours, shall be counted as eight hours without regard to the time actually employed.

This was brought before the court in a case where a carrier worked more than eight hours and sued for pay for the additional time; and the Court of Claims, in an opinion delivered May 31, 1910, held that the proviso of the act of 1900, which I have just quoted, is still in force; and therefore, beginning July 1, 1910, the 48-hour law was again put in operation. In other words, carriers are now employed on the basis of 48 hours a week instead of eight hours a day, as provided for in the proviso which I read.

The limitation which is placed by the amendment of the gentleman from New Jersey [Mr. HUGHES] would prevent the men working one minute overtime, and must necessarily, by any adjustment that could be made by the department, compel the carriers to work less than 48 hours a week. For that reason I believe that it changes existing law as determined by the Court of Claims.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. WEEKS. I will yield to the gentleman.

Mr. HUGHES of New Jersey. If I modify my amendment so as to make it conform to what the gentleman from Massachusetts has just said, will he accept it?

Mr. WEEKS. I should want to look at the amendment first.

Mr. HUGHES of New Jersey. I am satisfied to modify the amendment by striking out the eight hours in one calendar day and substituting 48 hours in six days.

Mr. WEEKS. Let me see the amendment in the form in which the gentleman wants to offer it.

Mr. HUGHES of New Jersey. I have not prepared it, because I have just heard the suggestion by the gentleman from Massachusetts. I will prepare it along those lines.

Mr. STAFFORD. Mr. Chairman, the pending amendment will have to be construed in connection with two statutes, one known as the eight-hour law and the other known as the 48-hour-a-week law.

The eight-hour law is found in Twenty-fifth Statutes at Large, page 157, and reads as follows:

That hereafter eight hours shall constitute a day's work for letter carriers in cities or postal districts connected therewith, for which they shall receive the same pay as is now paid for a day's work of a greater number of hours. If any letter carrier is employed a greater number of hours per day than eight, he shall be paid extra for the same in proportion to the salary now fixed by law.

Mr. COX of Indiana. Will the gentleman yield?

Mr. STAFFORD. Not at this point; let me finish my argument and then I will yield to the gentleman. In the Post Office appropriation act for 1901, found in Thirty-first Statutes at Large, page 257, we have the following proviso, which has been held to be existing law. It reads as follows:

Provided, That letter carriers may be required to work as nearly as practicable only eight hours on each working-day, but not in any event exceeding 48 hours during the six working-days of each week, and such number of hours on Sunday, not exceeding eight, as may be required by the needs of the service; and if a legal holiday shall occur on any working-day, the service performed on said day, if less than eight hours, shall be counted as eight hours without regard to the time actually employed.

In actual practice this amendment was in force but one year, and that during the fiscal year of 1901. Last year it was resurrected again and put into force by the Post Office Department in a limited way, and a test case was brought in the Court of Claims in the case of Theodore J. Van Doren against the United States.

In a somewhat elaborate opinion rendered by Justice Atchison the court there holds that the proviso as found in the act of 1901 is permanent law, and that its phraseology signifies that it was the intention of Congress to make it permanent law. In this decision of Justice Atchison review is made of the various cases as found in the United States and State courts as to the effect of limitations, and particularly of provisos.

What is the effect of the amendment offered by the gentleman from New Jersey? It is in truth a limitation, but it is

a limitation that changes existing law, for if the 48-hour law is in force, as it should be considered by the Chair in view of the decision of the Court of Claims, which has not been superseded by the decision of any higher court, this amendment would set that at naught. For two reasons is the amendment objectionable to paragraph 2 of Rule 21—the one, as pointed out by the gentleman from Illinois [Mr. MANN], who yesterday said that it would prevent the letter carriers, assuming that the eight-hour-a-day law is in force, from doing any extra work and receiving compensation therefor; but more particularly is it objectionable in view of the 48-hour law, which has been decided to be in force. Now, I strongly support the 48-hour proposition, because it will enable the letter carriers to have a Saturday half holiday and will enable the Post Office Department to arrange the schedule of hours so that on busy days they can work nine hours and on slack days six, seven, or eight hours, enabling them to have a Saturday half holiday without being compelled to work over and above the necessary 48 hours on week days.

Furthermore, along this line, I wish to direct the attention of Members to the humanitarian provision we have inserted in this bill, whereby we grant not only the post-office clerks and letter carriers, but supervisory officials, an allowance during the week days for the time they are obliged to work on Sundays.

That brings into force a much-needed reform in the postal service, one that will result in discontinuing Sunday service to the minimum, as required by the postal service.

Mr. MANN. Will the gentleman yield for a question?

Mr. STAFFORD. I will be very glad to yield.

Mr. MANN. Has the gentleman's committee considered whether it is desirable to do away with postal work in post offices on Sunday entirely?

Mr. STAFFORD. That was a live subject of consideration by the committee this session, and it was called to our attention that the department had put into force in some of the large cities the absolute prohibition of any Sunday work by letter carriers, notably in Detroit, and there are other instances where we believe it will be possible for the letter carriers not to be obliged to do any work at all on Sunday. It is well known to the Members of this House that letter carriers on alternate Sundays or on one in every three Sundays are obliged to go to the post office or to the station and assort the mail and occupy themselves for two or three hours to satisfy in a small way, perhaps, the demands of only a few, who call for their house or office mail, but there are certain communities where, perhaps, there might be some objection to the absolute prohibition, so we leave it to the Post Office Department to enforce this absolute prohibition wherever it is possible and allow the service to be continued in those communities where there is need, at the same time allowing to the letter carriers, the supervising officials, and the post-office clerks compensatory time on week days for the time they are obliged to work on Sunday.

Mr. WEEKS. Mr. Chairman, I am sending to the Chair the decision of the Court of Claims in the case to which I have referred, and I wish to call particularly to the attention of the Chair the proviso which was included in the act appropriating for the postal service for the year 1901.

Mr. COX of Indiana. Mr. Chairman, I ask that that be read from the desk, so that we may all know what it is.

The CHAIRMAN. Without objection, that will be done. The Clerk will read.

The Clerk read as follows:

The act of May 24, 1888, which provided that eight hours shall constitute a day's work for letter carriers was modified by the following clause in the act approved June 2, 1900, making appropriations for the postal service for the fiscal year 1901:

Provided, That letter carriers may be required to work as nearly as practicable only eight hours on each working-day, but not in any event exceeding 48 hours during the six working-days of each week, and such number of hours on Sunday, not exceeding eight, as may be required by the needs of the service; and if a legal holiday shall occur on any working-day the service performed on that day, if less than eight hours, shall be counted as eight hours without regard to the time actually employed.

This provision, usually referred to as the 48-hour law, was construed as applying only to the year for which the appropriations were made, and in consequence the eight-hour law again became effective in the fiscal year 1902. The Court of Claims of the United States in an opinion delivered May 31, 1910, held that the proviso of the act of 1900, already quoted, is still in force, and therefore, beginning July 1, 1910, the 48-hour law was again put in operation.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent to withdraw my amendment and offer another in its place.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to withdraw the amendment he had offered, now pending under the point of order, and submit another

amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman from Illinois reserves the right to object.

Mr. MADDEN. I want to hear what it is.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Page 17, line 2, after "dollars," add:
"Provided, That no part of this appropriation shall be used to pay employees who are required or permitted to work for more than 48 hours in the six working-days of a week: Provided further, That this limitation shall not apply to service performed during the last 15 days of the calendar year."

Mr. HUGHES of New Jersey. Mr. Chairman, I ask further permission to change the language of that amendment so as to insert the word "carriers" instead of the word "employees."

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to further change the proposed amendment just read by the Clerk. The Clerk will report the proposed change.

The Clerk read as follows:

Insert the word "carriers" instead of the word "employees."

Mr. MADDEN. Mr. Chairman, I would like to have the word "clerks" inserted also.

Mr. WEEKS. Mr. Chairman, I reserve the point of order if that amendment suggested by the gentleman from Illinois is insisted upon.

The CHAIRMAN. The point of order is reserved by the gentleman from Massachusetts to the proposed modification.

Mr. MADDEN. Mr. Chairman, I reserve the right to object to the request for unanimous consent.

The CHAIRMAN. Does the gentleman from Illinois insist upon his objection?

Mr. MADDEN. Unless the word "clerks" can be included.

The CHAIRMAN. Does the gentleman from Illinois insist on his objection?

Mr. MADDEN. Unless the amendment can be so worded that clerks can be covered with carriers.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. WEEKS. Then, Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair is prepared to rule.

Mr. HUGHES of New Jersey. Mr. Chairman, the point of order has been withdrawn and I ask for a vote.

Mr. MADDEN. Mr. Chairman, I withdraw the objection.

Mr. MACON. Mr. Chairman, I renew it.

The CHAIRMAN. The Chair is prepared to rule on the original point of order. The section of the bill which has been read, to which the amendment has been offered, is as follows:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, City Delivery Service, \$32,180,000.

To which the gentleman from New Jersey offers an amendment reading as follows:

Provided, That no part of the appropriation shall be used to pay employees who are required or permitted to work for more than eight hours in any one calendar day.

It will be noted that the item in the bill provides for pay for certain employees of the Government and—

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. I understood the point of order had been withdrawn.

The CHAIRMAN. Has the gentleman from Massachusetts withdrawn the point of order?

Mr. WEEKS. Mr. Chairman, I did withdraw the point of order on this proposition, supposing the objection to unanimous consent had been withdrawn to the amendment offered by the gentleman from New Jersey.

The CHAIRMAN. Objection was made. Does the gentleman from Massachusetts withdraw his point of order to the original amendment offered by the gentleman from New Jersey?

Mr. MACON. Mr. Chairman, I understand this has gotten into a sort of a muddle, and I want to understand the situation. On yesterday the gentleman from New Jersey offered an amendment, to which the chairman of the committee [Mr. WEEKS] reserved a point of order. In the confusion a moment ago I did not understand the exact status of the matter. I am advised now that the gentleman from New Jersey desires to withdraw the amendment to which the point of order was made, for the purpose of offering a new amendment that is entirely acceptable to the chairman of the committee. If that is the case, then I do not care to offer an objection to the withdrawal of the amendment that the gentleman from New Jersey introduced yesterday.

The CHAIRMAN. The Chair will state that to the amendment offered by the gentleman from New Jersey there was a point of order made by the gentleman from Massachusetts, and the gentleman from New Jersey asked unanimous consent to withdraw his amendment and offer a substitute amendment. Objection was made to that by the gentleman from Illinois [Mr. MADDEN].

Mr. HUGHES of New Jersey. Which was afterwards withdrawn and renewed by the gentleman from Arkansas. The gentleman from Arkansas now withdraws that objection. I ask unanimous consent now to withdraw my original amendment.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to withdraw his original amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. HUGHES of New Jersey. Now I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 2, after the word "dollars," insert:
"Provided, That no part of this appropriation shall be used to pay carriers who are required or permitted to work for more than 48 hours in the six working-days of a week: Provided further, That this limitation shall not apply to service performed during the last 15 days of the calendar year."

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from New Jersey—

Mr. WEEKS. Mr. Chairman, I would like to call the attention of the gentleman from New Jersey to the phraseology. I think instead of "carriers" it should be "letter carriers."

Mr. HUGHES of New Jersey. I am perfectly satisfied.

Mr. WEEKS. Connected with the City Delivery Service.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. MADDEN. Mr. Chairman, I move to amend the amendment by inserting after the word "carriers" the words "and postal clerks."

Mr. WEEKS. Mr. Chairman, I reserve the point of order against that. The amendment is not germane to the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "carriers" in the amendment insert "and postal clerks."

Mr. WEEKS. I make the point of order against the amendment.

Mr. MADDEN. Mr. Chairman, I would like to discuss the question of the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, there is an attempt made to limit the right of the department to pay any compensation to any man who carries letters if he works more than 48 hours in any six days in the week. It can not be said that the clerical work is not incidental to the work of carrying letters. The clerical work in connection with the Post Office Department is essential to the systematic conduct of the business of the department, and clerical work must be performed in connection with the work of carrying the letters.

And I maintain, in view of the condition which makes it necessary for clerical work to be performed in connection with the work of carrying letters, that the amendment which I have introduced to include postal clerks is germane to the amendment pending. I fail to understand how it can be held that the amendment as originally introduced is germane to the paragraph which is sought to be amended and then to have it said that the addition of the words "and postal clerks" is not germane. My contention is that the work of a carrier and the work of a clerk is essential one to the other; that neither can perform the functions devolving upon that branch of the postal service without the assistance of the other; that each is essential to the proper performance of the functions of the department, and that one is interdependent upon the other; and that if the amendment as originally presented is germane to the paragraph, the amendment to the amendment is germane also.

The CHAIRMAN. The Chair is ready to rule. The paragraph in the bill now before the committee provides for the pay of carriers. There are other paragraphs in the bill which provide for the pay of clerks. The limitation which is provided in this amendment concerns the pay of carriers, and there has been no objection raised to it or point of order made against it. The provision limiting the time of service of clerks would necessarily concern other items in the bill, and therefore is not germane to the amendment before the committee, and the Chair sustains the point of order.

Mr. NORRIS. Mr. Chairman, I am in entire sympathy with the eight-hour proposition and would be perfectly willing to support this amendment if it is a practical one and will bring about the result that is evidently desired by the gentleman from New Jersey [Mr. HUGHES], who offers the amendment. But it does seem to me, as I heard the amendment read, that it will have an entirely different effect, and it seems to me we ought to be careful about adopting this amendment, for fear that we will do an injury to the very class of employees that the gentleman is evidently seeking to assist. Suppose that one of these carriers should work a few minutes over the required number of hours in any one week, would it not follow that he could not receive, at least under this appropriation, any pay for that week? It may be that on account of some accident, perhaps the death of some other clerk or perhaps the absence on account of sickness of some other clerk, that a letter carrier would be perfectly willing to help out the other clerk on account of his unfortunate condition by working a few minutes or a few hours, and that would make his entire week's labor amount to more in hours than is provided in this limitation. If he did that, would it not follow, if this limitation is adopted, that he would be deprived of the right to receive any pay?

Now, I am asking this question in good faith and for the purpose of securing information. It looks to me from the reading of the amendment that that result would follow, and hence you would do an injury not only to the service but to the very men you are seeking to benefit by this amendment. I would like to ask the gentleman from New Jersey if that would not be the effect of this amendment if it were adopted.

Mr. HUGHES of New Jersey. Mr. Chairman, I would say that it would not; that that would not be the effect of the adoption of the amendment. The gentleman is as familiar as I am with this manner of attempting this class of legislation by limitations on appropriation bills, and when the limitation is put on it is recognized by the department as a declaration by this House that what they have been doing before shall not be done any more. In other words, they shall not construe the postal laws in their own sweet will, but that this House will declare for the eight-hour day.

Mr. NORRIS. I am in favor of the eight-hour proposition, but I would be glad to vote for an amendment to a law that would give proper compensation where an employee worked over the time.

Mr. HUGHES of New Jersey. We have such a law already.

Mr. NORRIS. I understand the decision read at the Clerk's desk practically nullifies that law so far as these carriers are concerned.

Mr. HUGHES of New Jersey. So far as everybody in the postal service is concerned.

Mr. NORRIS. If we have that kind of law, this is unnecessary. While I think it is in order as a matter of parliamentary procedure, it seems to me it might deprive these employees from getting any pay in cases where for the accommodation, perhaps, of some other employee they would be perfectly willing to work an hour, or perhaps a few minutes, over the regular time; and they would do it at their peril.

Mr. MANN. That is just what they want to stop.

Mr. HUGHES of New Jersey. That is what they want to get away from.

Mr. MANN. The feeling of accommodation from one carrier to another.

Mr. NORRIS. There might arise a condition where it would seriously affect the service itself. There might be a condition, for instance, on Saturday afternoon, where some clerk might be stricken suddenly ill, or might die. The other employees would be perfectly willing to work an hour or so overtime for the good of the service, but would not dare to do so.

Mr. HUGHES of New Jersey. They have substitute carriers.

Mr. MANN. If the carrier under the old rule had not finished his delivery, he stopped at the end of eight hours or he was discharged. This gives him the authority to work over eight hours on one day, if he does not work over 48 hours in a week.

Mr. NORRIS. While the gentleman's answer may be a good one, as it applies, perhaps, to cities where they have a good many substitutes, have them on hand where they can be used in case of emergency, I doubt whether that will apply all over the country, in smaller cities where they do not have those substitutes.

Mr. MANN. They all have substitutes.

Mr. NORRIS. They do not have them where they can get their hands on them all the time.

Mr. MANN. They can get the substitutes.

Mr. BENNET of New York. Mr. Chairman, I shall vote for the amendment offered by the gentleman from New Jersey. As I view it, it continues what was thought to be the law for now

nearly 30 years past, to which the carriers, the patrons, and the Post Office authorities have been accustomed. Under it the service has been efficiently administered with the law as it was deemed to be; and this, so far as we can do it upon an appropriation bill, restores it. If in another place or a subsequent session they want to perfect it, it can be done in another place or at another session. This is as far as we can go in this legislation; and for one I propose to support the amendment of the gentleman from New Jersey, and hope it will be adopted by the House.

Mr. MORSE. I ask unanimous consent that the amendment be again reported.

The amendment was again reported.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from New Jersey whether, while this amendment is intended to limit the work to eight hours a day, which is all right, the effect would be to deprive those carriers of all pay for a week if they happened to work a little over that length of time.

Mr. HUGHES of New Jersey. It is not intended to have that effect. It is intended as far as possible to do what this House has declared over and over shall be done in reference to an eight-hour day in the service.

Mr. OLMSTED. And you think there is no difficulty about these carriers being paid?

Mr. HUGHES of New Jersey. I think not.

Mr. OLMSTED. It provides that these carriers shall work eight hours a day. It seems to carry two purposes. I do not object to the limitation to the eight hours; I am in favor of it. In the confusion I could not distinctly hear the amendment. I ask the gentleman and the chairman of the committee if they think that that will be all that it will do?

Mr. NORRIS. I would like to suggest, with the permission of the gentleman from Pennsylvania, to the gentleman from New Jersey—

Mr. MANN. Better suggest to the gentleman from Massachusetts.

Mr. NORRIS (continuing). That perhaps a change which could easily be made would be subject to a point of order.

Mr. OLMSTED. That is the difficulty.

Mr. NORRIS. The difficulty is that you can not put in a proper stipulation without making it subject to the point of order.

Mr. BENNET of New York. We are going as far as we can on this appropriation bill.

Mr. NORRIS. The difficulty will be that you are going in a direction which may be an injury to the men whom you desire to assist and the service.

Mr. BENNET of New York. I think not.

Mr. OLMSTED. I am in favor of an eight-hour day, but I do not want to see a faithful carrier deprived of his pay for a week because he may happen to work a minute overtime. If the amendment will not work that injustice to these industrious, faithful, and courteous servants of the Government, I am for it.

Mr. BENNET of New York. No men will be deprived either of their pay or places under this provision. Under the former provision if a letter carrier worked more than eight hours he was discharged. The result was that they so arranged the men and the routes that the mails could be carried in the time, and no one was discharged.

Mr. NORRIS. If the amendment would have that effect nobody would object to it.

Mr. MANN. Mr. Chairman, three years ago Congress passed a law, which has been referred to, endeavoring to provide for an eight-hour day and 48 hours a week. For many years the law was paid no attention to, as it appeared to be simply declaratory, and the carriers continued to finish their deliveries regardless of the number of hours and worked nine and 10 hours or more. That continued to be the practice for years. Finally, some gentleman with brains or ingenuity conceived the idea that the carriers who had worked more than eight hours were entitled to recover in the Court of Claims for the excess time. Suits were brought in the Court of Claims. Upon the decision of the suits recovery was had. The court held that if a carrier was engaged more than 48 hours in the week he was entitled to recover for the excess time. We passed a bill at the last session of Congress to reimburse the carriers for excess time who did not file their claims with the Court of Claims inside of the statute of limitations. Following that decision of the Court of Claims, the Post Office Department made a ruling that if a carrier worked over eight hours a day he was subject to discipline and discharge, and an order was issued that at the end of eight hours the carrier should cease work, although he might be at a house where he had letters to deliver.

Mr. NORRIS. Will the gentleman yield right on that point?

Mr. MANN. Certainly.

Mr. NORRIS. It seems to me that statement would put the department in a ridiculous predicament; but let me put another question to the gentleman, one that I put yesterday in reference to the amendment that has been withdrawn.

Mr. MANN. If the gentleman will permit me to make my statement, I think I will cover the point. Now, owing to the great difficulty in the delivery of mail, arising from the fact that a carrier was required to cease work at the end of eight hours, the department, as I understand, adopted the practice of 48 hours in the six working-days of the week, so that a carrier who worked nine hours to-day might have it made up by working seven hours some other day of the week. Yet it is a very difficult thing to keep track of that, and the result has been that in many places carriers have continued not only to work more than eight hours a day, but they do not have it made up to them, through the aid of substitutes or otherwise, by shortening the time of their work some other day in the week, in some post offices at least.

Now, under this provision a carrier has notice, as well as the department, that he can not work more than 48 hours a week. If he does now work more than 48 hours a week, he is entitled to present a claim to the Court of Claims, and to be paid for it. By this amendment we put him upon notice that he can not work more than 48 hours a week. He is glad to get that notice, because he does not want to work more than 48 hours a week. Nor, on the other hand, does he want to come in conflict with his superior officers in the Post Office Department.

Mr. COOPER of Wisconsin. Will the gentleman permit a question right there?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. The 48 hours is to be on week days?

Mr. MANN. On the six week days of the week.

Mr. COOPER of Wisconsin. Now, the carriers in my city go down on Sunday and route the mail, as they call it, or arrange it for distribution next day.

Mr. MANN. They are to be paid extra under this bill for Sunday work.

Mr. COOPER of Wisconsin. That is what I want. They have been writing to me about it, and it is a matter of a good deal of importance to them.

Mr. MANN. I understand the committee have taken care of that, and provided that they are to be paid extra for Sunday work.

Mr. STAFFORD. The committee made provision for compensatory time for the service of letter carriers, postal clerks, and supervisory officials who perform Sunday work.

Mr. COOPER of Wisconsin. I ask the gentleman from Illinois [Mr. MANN], Is it true—I believe it is—that the department to-day has the right, in its discretion, to say what offices shall be kept open an hour on Sunday and that routing of mail be performed?

Mr. MANN. I presume that is correct.

Mr. COOPER of Wisconsin. It is discretionary with the department.

Mr. MANN. I take it that it is discretionary with the department, or with the postmaster, if the department does not interfere.

Mr. WEEKS. To some extent with the postmaster.

Mr. BENNET of New York. I suggest to the gentleman from New Jersey that he modify his amendment by inserting after the words "during the" the words "first five days or the," so as to provide for the New Year rush.

Mr. HUGHES of New Jersey. I accept that amendment.

The CHAIRMAN. The clerk will report the proposed amendment.

The Clerk read as follows:

Insert after the words "during the" in the amendment the words "first five days or the."

Mr. MANN. Not "or," but "and."

Mr. BENNET of New York. "And."

Mr. HUGHES of New Jersey. Yes.

Mr. WEEKS. Now I should like to have the amendment read as it stands.

The CHAIRMAN. The Clerk will report the amendment as proposed to be modified.

The Clerk read as follows:

Page 17, line 2, after the word "dollars," insert:

"Provided, That no part of this appropriation shall be used to pay letter carriers who are required or permitted to work more than 48 hours in the six working-days of a week: *Provided further*, That this limitation shall not apply to service performed during the first five and the last 15 days of the calendar year."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the amendment of the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New Jersey as amended.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, \$1,100,000.

Mr. KELIHER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 11, add, after the word "dollars," the following:

"*Provided*, That after June 30, 1911, the pay of a substitute letter carrier in the City Delivery Service of the Post Office Department shall be at the rate of 30 cents an hour when serving for a regular carrier absent with pay. When serving for a regular carrier absent without pay, the pay of the substitute carrier shall be at the rate paid the carrier for whom he serves.

"*Sec. 2*. That a substitute carrier who has served in that capacity for not less than two years shall, upon appointment to the regular service, be paid \$800 per year, and shall be eligible for promotion to the third grade at the expiration of one year, upon evidence satisfactory to the Post Office Department of his efficiency and faithfulness."

Mr. KELIHER. Mr. Chairman, my amendment is undoubtedly subject to a point of order, as it does change existing law; but I have offered it that I might have an opportunity to again call the attention of the committee to the injustice that still obtains in this branch of the service. Within the last two years many of the inequalities and injustices that obtained in the department have been remedied, but this one, most pronounced as it is, still goes unremedied. It is with the hope, I repeat, that I might arouse sufficient attention on the part of the committee to insure an early change in the method of operating this branch of the service, that I urge the adoption of my amendment.

In the substitute carrier service men known to work—in fact, it is a matter of record that they do work—on an average of four years at a salary that does not amount to \$35 a month in the hope of reaching the regular carrier service. They are paid 30 cents an hour when they work, and many and many a day these men are on duty from a quarter of 6 in the morning until 5 o'clock in the evening without being called upon to perform a minute's work, waiting and giving their time for 10 hours without being assigned and consequently not receiving one single penny of compensation.

Thus they continue along for four or five years—the average, I believe, is nearer five than four years—before they are appointed to the regular service and put in the \$600 grade, where they then are paid but the miserable wage of \$12 a week. Some of these men are married, have families, and are anxious to obtain a position in the carrier service, and they struggle along, as I say, for four or five years earning not over \$30 a month. They can not accept other employment, because they are at the beck and call of the department. They are compelled to buy their uniforms, purchase caps, secure a bond. They have to pass the civil-service examination, physical and mental, to qualify, and yet, I repeat for the third time, many of them toil on for four or five years at starvation wages before being taken into the service.

The question is, How can this unjust condition be remedied? In my opinion, it can be remedied in a simple manner by reducing the number of substitutes and then providing a shorter substitute service, a reasonable time when they will go into the regular service and be allowed to enjoy the fair salary that goes with the second grade—or \$800 class.

Under the classification act the carrier when he first enters the service gets \$600 a year. He works a year and is promoted to \$800. These poor substitute carriers may work four or five years, perform all sorts of service, filling the place at times of a high-class letter carrier who receives \$1,200, and yet when they go into the regular service they are given no credit for the years they have served and are put at the lowest of the carrier grades and get \$600.

That grade, Mr. Chairman, should be abolished, and substitutes who have served two years or more should go into the \$800 grade. That my opinion is shared by the officers of the department is shown by the testimony of the First Assistant Postmaster General, to which I beg to call attention:

My judgment is that if an appointment as substitute were followed immediately by an appointment to a regular salaried position we would get much better men in the service.

Now, some change has got to be wrought, because desirable and competent men will not serve three, four, and five years on a pittance of \$30 a month awaiting promotion or appointment into the regular service.

Mr. Chairman, good men will not suffer the privations this system entails. Men of family can not support their families on \$30 or \$40 per month for three or four years without getting hopelessly into debt. Such conditions should not be permitted to obtain. Some change should be immediately made whereby these substitutes could earn a living wage while serving as substitutes and reach the goal of their ambition within a shorter and more reasonable period. In the meantime a substitute should be allowed the pro rata pay of the carrier for whom he substitutes. We appropriate money enough to pay the salaries of the carriers in the various grades, and I know of no sufficient reason why, when these salaries are not paid to the carriers because they do not work, they should not go to the men who perform their work.

This situation deserves the favorable consideration of the committee. In every branch of business life salaries have been advanced to meet the demands of the times in the way of increased cost of living. In the substitute carriers' branch of the postal service, however, there continues an unjust system of compensation under which men are compelled to struggle along at wages that are all out of proportion to the service rendered and the needs of the times. My opinion is shared by the members of the committee and indorsed by a majority of the House, yet the much-desired change has not been made. To abolish the \$600 grade and put the substitute carriers into the \$800 grade immediately upon appointment to the regular service would not entail great expense. About 1,200 carriers are to be appointed during the coming fiscal year, according to the department estimates. The following statistics will show the cost of abolishing the \$600 grade of letter carriers and fixing the \$800 as the first grade, based upon department estimates:

Number of new carriers to be appointed.....	1,200
Department estimates \$350, or 58.3 per cent of \$600, average cost of \$600 carrier for first year.....	\$350
Total cost for \$600 grade.....	\$420,000
Cost of \$800 carriers on same basis, 1,200 at \$466.40, or 58.3 per cent.....	\$559,680
Additional cost of placing 1,200 men in \$800 instead of \$600 grade.....	\$139,680

Thus it will be seen that by increasing the appropriation \$139,680 the \$600 grade could be abolished and the \$800 fixed as the lowest grade.

The following table shows the average length of service rendered and average pay per month of substitute carriers in different parts of the country:

Cities.	Average length of service rendered.	Average pay per month.
	Yrs. mos.	
Aurora, Ill.....	2 0	\$20.00
Adams, Mass.....	7 0	
Appleton, Wis.....	4 2	15.00
Albert Lea, Minn.....	3 0	13.00
Asheville, N. C.....	1 6	30.00
Albion, N. Y.....	5 0	15.00
Boston, Mass.....	4 9	45.00
Buffalo, N. Y.....	2 6	20.00
Benton Harbor, Mich.....	3 6	20.00
Battle Creek, Mich.....	2 0	30.00
Biddeford, Me.....	5 0	
Bellows Falls, Vt.....	3 0	18.00
Bellingham, Wash.....	3 0	15.00
Beatrice, Nebr.....	2 0	25.00
Boulder, Colo.....	2 0	25.00
Canton, Ill.....	2 0	15.00
Canton, Ohio.....	2 6	31.00
Cleveland, Ohio.....	2 8	24.25
Chico, Cal.....	3 4	30.00
Cincinnati, Ohio.....	3 0	32.00
Chillicothe, Ohio.....	4 0	22.00
Crookston, Minn.....	1 6	15.00
Camden, N. J.....	3 0	30.00
Cleburne, Tex.....	1 6	25.00
Cambridge, Md.....	4 3	9.00
Chicago, Ill.....	3 0	28.60
Danville, Ill.....	1 6	25.00
Doylestown, Pa.....	2 10	8.00
Dunkirk, N. Y.....	2 6	11.00
Durham, N. C.....	3 0	15.00
Davenport, Iowa.....	3 0	20.00
Des Moines, Iowa.....	1 0	35.00
Dubuque, Iowa.....	2 3	35.00
Duluth, Minn.....	1 6	35.00
Elkhart, Ind.....	3 3	35.00
Evansville, Ind.....	3 6	20.00
Erie, Pa.....		30.00
Easton, Pa.....	2 10	8.00
East St. Louis, Ill.....	1 8	
Fort Smith, Ark.....	1 2	30.00
Fayetteville, N. Y.....	6 0	35.00
Flushing, N. Y.....	2 0	27.00
Frederick, Md.....	6 0	8.50
Fond du Lac, Wis.....	3 0	10.00
Fall River, Mass.....	4 0	
Goshen, Ind.....	5 0	11.25

Cities.	Average length of service rendered.	Average pay per month.
	Yrs. mos.	
Hoboken, N. J.....	2 6	\$40.00
Harrisburg, Pa.....	4 0	25.00
Huntington, Md.....	4 9	
Hoopeston, Ill.....	1 6	15.00
Homestead, Pa.....	3 0	15.00
Ionla, Mich.....	4 0	30.00
Jamaica, N. Y.....	1 4	30.00
Kendallville, Ind.....	6 9	9.00
Kansas City, Kans.....	2 6	30.00
Keene, N. H.....	4 0	23.00
Logansport, Ind.....	2 5	27.00
Lebanon, Pa.....	3 0	15.30
Ludington, Mich.....	2 2	35.00
Lockport, N. Y.....	4 6	12.00
Long Island City, N. Y.....	3 0	25.00
Los Angeles, Cal.....	1 2	10.00
Mattoon, Ill.....	4 0	27.00
Moline, Ill.....	2 6	10.00
Middletown, Conn.....	4 5	10.00
Mankato, Minn.....	2 6	22.00
Muscatine, Iowa.....	3 2	18.00
Manchester, N. H.....	4 7	25.00
Malone, N. Y.....	4 0	
Mount Vernon, Ill.....	3 6	16.00
Manitowoc, Wis.....	6 0	
Marquette, Mich.....	4 0	32.00
Marquette, Mich.....	2 6	30.00
Menominee, Mich.....	5 0	
Noblesville, Ind.....	5 0	4.00
Northampton, Mass.....	5 0	30.00
Norwood, Mass.....	4 0	25.00
Newburyport, Mass.....	5 0	25.00
New Bedford, Mass.....	4 0	35.00
New Brunswick, N. J.....	5 0	12.00
Norwich, Conn.....	1 8	13.00
New Haven, Conn.....	4 0	25.00
New London, Conn.....	4 0	18.00
Orange, Mass.....	11 0	
Owasso, Mich.....	5 0	10.00
Oakland, Cal.....	1 3	20.00
Peabody, Mass.....	4 6	15.00
Petersburg, Va.....	4 0	28.00
Pine Bluff, Ark.....	2 0	5.00
Pueblo, Colo.....	2 6	30.00
Quincy, Ill.....	2 7	20.00
Rockland, Me.....	5 0	
Reading, Pa.....	4 0	22.00
Springfield, Ohio.....	3 10	31.00
Salina, Kans.....	4 0	10.00
Shreveport, La.....	1 2	10.00
Stapleton, N. Y.....	3 6	15.00
St. Johnsbury, Vt.....	4 6	
Selma, Ala.....	1 3	10.00
Springfield, Mass.....	2 0	35.00
St. Cloud, Minn.....	5 0	30.00
St. Paul, Minn.....	2 0	20.00
Stillwater, Minn.....	4 0	32.00
Wabash, Ind.....	3 6	28.00
Toledo, Ohio.....	3 1	32.00
Worcester, Mass.....	4 6	29.00
Wakefield, Mass.....	5 6	15.00
Wausau, Wis.....	1 0	50.00
Ware, Mass.....	5 0	
Wilkes-Barre, Pa.....	2 6	30.00
Weehawken, N. J.....	2 7	28.00
Wallingford, Conn.....	5 2	15.00
Ypsilanti, Mich.....	3 0	12.00
Zanesville, Ohio.....	3 0	15.00

Mr. Chairman, in view of these facts, I express the hope which is universally shared that at no distant day the Post Office and Post Roads Committee will report this much-needed legislation of relief to the 5,000 underpaid substitute carriers of the country.

Mr. WEEKS. Mr. Chairman, before making the point of order which I have reserved, and which I shall make, I want to say that very much of the condition which has been described by my colleague from Massachusetts [Mr. KELIHER] is quite within the facts. There have been too many substitutes appointed, the result being that these men were unable to continue in their usual vocation, and they did not receive sufficient compensation from the Post Office Department to maintain themselves and families. They have been continued as substitutes in many cases four or five years. The department is attempting to relieve that situation by not appointing any additional substitutes. The reduction in number, of course, will give more employment to those who are now substitutes. Furthermore, the department in various places has already undertaken to use the substitutes to deliver special messages, relieving the boys who have been doing that service, and in that way the substitute gets more employment. The department is well aware of the unsatisfactory condition in which these substitutes are placed, and will relieve it as rapidly as possible, but as the amendment offered by my colleague changes existing law, I must at this time make a point of order against it.

Mr. STEPHENS of Texas. Will the gentleman please inform us how long these carriers can be absent and still draw their pay? These are city carriers alluded to, are they not?

Mr. WEEKS. The substitutes for city carriers. The substitutes perform all kinds of service. The city carrier gets 15 days' vacation, but the substitute may be employed in other cases, as when the carrier is sick, and is not receiving pay, and he may be employed during a time of pressure of business like the holidays and at other times. It is not entirely when the carrier is away and is receiving pay that the substitute is employed. The carrier gets only 15 days' vacation.

Mr. STEPHENS of Texas. Will the gentleman inform us why the substitute is not entitled to the same pay the regular carrier is for doing the same service?

Mr. WEEKS. He is not, and there is some reason for that, because naturally the substitute does not perform the service as quickly or possibly as accurately as the man he replaces. The department has even gone so far as to make the suggestion that there be an additional number of carriers appointed, who may be the best men in the service to act as substitutes.

Mr. STEPHENS of Texas. Is it not a hardship to have to remain out of the service so long, waiting for some job to turn up?

Mr. WEEKS. There is no doubt about the substitute having to remain too long in that grade. The department is well aware of that condition and is not appointing any substitutes now, so that those in the service may get more work.

Mr. BARTHOLDT. Mr. Chairman, does not the gentleman think that there ought to be some provision of law against the practice which, I believe, obtains in all large post offices—I know it obtains in St. Louis—of transferring clerks to the carrier service? I know of instances where a clerk has been appointed and after a short service as such was transferred to the carrier list, and as a result of it one of these substitutes was kept out of his permanent employment, though the examination of the clerk for service took place long after the substitute had been examined and admitted to be eligible to the service.

Mr. WEEKS. Well, I think in cases of that sort, Mr. Chairman, generally speaking, the exchange is arranged and is approved by the postmaster and the department, and does not keep the substitute from receiving permanent employment, for the change will have the same effect on the substitute for the clerk. It would not make any cut whatever in the total number of employees, carriers, or clerks or substitutes.

Mr. BARTHOLDT. They do not ordinarily make these transfers unless there is an exchange.

Mr. WEEKS. Oh, no; at least I know of no cases.

Mr. KEIFER. And by agreement.

Mr. WEEKS. And by agreement.

Mr. BARTHOLDT. The effect is this: Clerks after having taken their examinations are appointed much more rapidly to permanent positions than carriers are, and after appointment they seek some transfer in the carrier service, and keep out subs, and that system works naturally an injustice to those subs.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. Does the gentleman from Massachusetts insist upon his point of order?

Mr. WEEKS. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELIHER. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For horse-hire allowance and the rental of vehicles, \$925,000: *Provided*, That hereafter the Postmaster General may, in his discretion, enter into contracts for a period of not exceeding four years for the hire of the equipages for the City Delivery Service.

Mr. HAMLIN. Mr. Chairman, I desire to reserve a point of order to that part of the paragraph commencing with the word "*Provided*," in line 16. I would like to ask the chairman of the committee a question. This embraces those automobiles we discussed a year ago in connection with the collection of the city mail?

Mr. WEEKS. The gentleman from Missouri is correct in that supposition.

Mr. HAMLIN. I have elicited the information I wanted, and unless some gentleman wants to say something further I will make the point of order.

Mr. WEEKS. I will be glad to answer the questions of the gentleman and make a statement regarding this service.

Mr. HAMLIN. The reason I reserved the point of order, and shall make it unless some good reason is given to change my mind, is this: It developed last year in the consideration of this bill that in this city and, I believe, three other cities

in the country there were being employed in the collection of the mails little gasoline runabouts or automobiles at what I regarded as an extravagant annual rental, and I understand that these same machines, and at the same annual rental, are employed yet. I am not willing to permit the Postmaster General, if I can prevent it, fastening upon the Government by a four-year contract these machines, at perhaps enormous rentals, and therefore I reserve the point of order. If the gentleman can show me that this rental has been cut down to a reasonable basis, or any other good reason for giving the Postmaster General this option, I will not interfere. I have no desire in the world to hinder or cripple the service, but I am not willing to pay what I regard as an extravagant price and fasten a contract upon the Government for a term of four years.

Mr. WEEKS. Mr. Chairman, this appropriation is spent in various ways, some for collection service, some allowance is made to the postmaster who may make an allowance to the carrier in a suburban district who furnishes his own horse or his own automobile or his own motor cycle.

It is all expended in ways which will facilitate the service. Now, the gentleman from Missouri last year called the attention of the committee to what he believed was an exorbitant price paid for some automobiles used for collection service in Washington. The price was \$3,000 a year, and two men were employed to the machine. They served 16 hours a day. When the year's contract which the department had with the people furnishing the machine expired, the department could not renew it on the same terms. They wanted \$3,500 for each machine, and the department had to resort to other methods for the collection service. In other words, we were not paying too much for the automobile referred to. We were paying less than the owners would renew their contract for, and therefore we are collecting mail in Washington by carrier on a bicycle or by horse and cart. In one case, at least, the carrier on a bicycle collects the mail.

Mr. NORRIS. Will the gentleman yield there?

Mr. WEEKS. Yes.

Mr. NORRIS. I would like to ask the gentleman whether, in the case of which he is speaking, the people who own the bicycle or the machine also furnish the employees that do the work of collecting the mail through the use of those machines.

Mr. WEEKS. They furnish the driver for the automobile.

Mr. NORRIS. And then the other person in the automobile is a regular employee of the Government?

Mr. WEEKS. Yes; but they had to furnish two drivers, because the service was 16 hours a day.

Mr. HAMLIN. I would like to ask the gentleman, if that contract has not been renewed in the city of Washington, what method have they now for collecting the mails?

Mr. WEEKS. The method they were following before the automobile service was instituted.

Mr. HAMLIN. By wagon?

Mr. WEEKS. By wagon, and in one case I know the carrier collects on foot or on a bicycle.

Mr. HAMLIN. What does the present method cost the Government per year?

Mr. WEEKS. About what it did cost for the automobile service. Here is the colloquy that took place when it was considered:

"Are you doing that now by horse and cart?" The First Assistant Postmaster General said, "Horse and cart, and foot carrier." "Is it costing more to do it in that way than it did by automobile?" He replied, "No; a little less." "How much less?" The First Assistant Postmaster General replies, "There is not very much difference; probably a thousand dollars difference."

Mr. HAMLIN. Well, that is worth saving.

Mr. WEEKS. For the whole service.

Mr. HAMLIN. He certainly ought not to be given permission to make a contract for four years for these machines, because conditions may change. Why not continue to save this thousand dollars a year?

Mr. WEEKS. If he could make the contract for four years he could undoubtedly make it, in the case to which the gentleman from Missouri refers, at \$2,500 a year. When the person furnishing such facilities as an automobile has the contract for a long time he can afford to make a much more liberal contract than he can by making it for one year.

Mr. HAMLIN. Can the gentleman tell us what this contract can be made for if we make it for four years?

Mr. WEEKS. I can not tell it in this instance. But I want to call the attention of the gentleman from Missouri to this fact, that by enabling the department to make a three-year contract for canceling machines, last year we obtained a reduction in a machine costing \$400 to \$300. In fact, the price

paid for all machines under the three-year contract was less than when the contract was made for one year.

Mr. NORRIS. Has the committee or the department given any consideration to the question of the advisability of the department furnishing and operating these machines?

Mr. WEEKS. I do not recall that the department has done that in any instance.

Mr. COX of Indiana. Will the gentleman yield for one question?

Mr. WEEKS. Yes.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. HAMLIN] has expired.

Mr. COX of Indiana. I ask that the time be extended three minutes.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. HAMLIN] may have two minutes more.

Mr. HAMLIN. Then I would not want the gentleman from Indiana [Mr. Cox] to take my time.

Mr. COX of Indiana. If the gentleman from Missouri will let me ask the chairman one question—

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Missouri may be extended—

Mr. HAMLIN. Two or three minutes is all I want.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAMLIN. I want to say that I investigated this matter last year, and I was going to mention the very thing which my friend from Nebraska [Mr. NORRIS] suggested. The Government only hired or rented these little gasoline runabouts, and the company owning these machines, I presume, furnished the driver, but the Government furnished the other employees that went with it.

Now, my contention, after investigation, was—

Mr. STAFFORD. Will the gentleman permit?

Mr. HAMLIN. I do not believe I will have time.

Mr. STAFFORD. I will try to get further time, because the gentleman is making a misstatement that I know he does not intend to make.

Mr. HAMLIN. Of course I do not want to make an incorrect statement.

Mr. STAFFORD. The gentleman stated these automobiles were runabouts. In fact, they are specially equipped automobile wagons, specially designed for collection service.

Mr. NORRIS. How much do they cost?

Mr. HAMLIN. That was a point I was going to speak of.

Mr. STAFFORD. Of course, the committee has no information as to the cost, but we have information as taken from the hearings this year which shows the department would have saved thousands of dollars if they entered into long-time contracts, to which I will call the committee's attention when I take the floor.

Mr. HAMLIN. The point I wanted to make, gentlemen, is simply this: You can call them runabouts; perhaps that is not an accurate characterization of them, but after it is all said and done it simply has wheels and an engine, with a box made—of course, not fitted to carry passengers, but to put mail in, or mail sacks, or mail bags, but that could not cost much.

My judgment is that they can be bought for four or five hundred dollars each. I contended last year, and I contend now, that if this is a good way to collect the mails—and perhaps it is—the Government ought to buy these machines for itself, hire the chauffeur, and collect the mails without having to pay \$3,000 a year for the rent of these machines. I believe if we were to do this we could save thousands of dollars annually. Therefore I am not willing to let this provision go through giving the Postmaster General the right to contract at \$3,000 per year for four years' rent on each one of these machines. If they are a good thing with which to collect the mails, I believe the Government ought to own them.

Mr. WEEKS. Now, Mr. Chairman, referring to the cost of these machines. The cost of the service last year was \$3,000, and probably each driver was paid \$900 or \$1,000. I do not know about that. I do not know what the cars cost, but when you take into consideration a depreciation of 25 per cent and the other expenses of operation, while it seems a large price for a machine, it may or may not be. The work was done at the lowest price the Government could get it done, and that is why we urge the longer contract.

Mr. HAMLIN. Do you not think that this matter had better go over until next year, and let the committee investigate this very proposition as to the purchase of the machines and the cost of the service if the Government should own the machines?

Mr. WEEKS. Well, Mr. Chairman, this appropriation applies to similar service in every city in the country. There are only a few cities in which automobiles are used. I believe if the department has authority to make a four-year contract that it will be able to reduce this appropriation \$100,000.

My judgment is that the Government by making a four-year contract can save 10 per cent on any appropriation. Simply because a Member thinks that a little more is being paid for a car, or two or three cars, which were built practically for a certain purpose—even though it is a cheap car, I do not know how much it costs—it seems to me unjustifiable to make a point of order against this entire appropriation.

Mr. FINLEY. If the gentleman from Massachusetts will permit me, is it not true that to carry the mail effectively a special car is necessary, and that a better bid can be had for a long term than a short one?

Mr. WEEKS. I think we would have a better one in Washington.

Mr. COX of Indiana. What does the gentleman think of the ability of the Government, if this paragraph remains in, of making these contracts for \$2,500?

Mr. WEEKS. My judgment is that the contract could be made for four years at \$2,500. I would be surprised if it could not.

Mr. STAFFORD. Mr. Chairman, I wish to call the committee's attention to the fact that this is the only service in the entire postal service wherein the department can not enter into contract for a longer period than one year. We have extended it for all other characters of service to three, four, and five years. I hope the gentleman from Missouri will realize that in making an objection to this. It is not in accord with good business administration.

As has been pointed out by the chairman, this includes other service than the automobile service; but even if it extended also to the automobile service, it has been shown in the hearings that there has been a saving in the collection by automobile as compared with the old method of collection by horse and wagon. It stands to reason that we can not obtain as cheap a contract for automobile service, for horse and wagon service, or for any other character of service, if the contract is to be limited to one year, where the service requires some specially designed equipment. This horse hire and other vehicle allowance provides for the collection of mail in specially designed wagons. It has been the practice of the department recently to enter into contracts for the collection of all the mail in the city, rather than by allowances to the letter carriers themselves, thereby saving thousands of dollars to the department.

This provision has the strong approval of the First Assistant Postmaster General. He was asked whether there could be any economy by having the department accorded the privilege of entering into longer-term contracts. He says:

It would save money to be able to make five-year contracts, not only for horses and carts, but also for automobiles.

He points out the instance of Baltimore, where for a few years they had automobile service, and the cost was \$13,125, and now the charge is \$14,225 without automobile service. And I specially direct the attention of the gentleman from Missouri to this fact, that at that time the department was entering into contracts for four-year periods; but a year and a half ago the comptroller rendered a decision which held that the department had no authority to enter into this character of contract for more than one year, and the department was immediately handicapped. Here we have this service where the cost is perhaps \$3,000 a machine. It involves the furnishing of chauffeurs, and it also enables the department to use the automobile for 16 hours, for two relays of men, and the automobile being able to do more work than the horse-cart collection service, there is no comparison merely in amount as to whether the automobile service is more expensive than the horse-wagon service, but you have to compare the total cost. Here are the contracts which show that under the old method of four-year contracts, even in the case of automobiles, the service was cheaper than under the one-year contract.

Now, where is there a business man who will specially equip an automobile, or specially equip a horse collection wagon, and enter into a contract for only one year, unless he is going to figure up the insurable risk and get compensation for it in his price for the possible contingency of having the wagons engaged for the one-year period only? I hope, in view of this testimony, that the gentleman will not see fit to press his point of order, because the department, through the First Assistant Postmaster General, has strongly recommended this provision, and has pointed out that it would result in a large economy. If the

gentleman wishes to place a limitation on the amount to be expended for automobile service, that can readily be attained in this paragraph; but to make it absolute that the department can not enter into a longer term contract than one year for any character of service is, in my opinion, short-sighted economy, with all due deference to the gentleman.

[The time of Mr. STAFFORD having expired, by unanimous consent it was extended five minutes.]

Mr. HAMLIN. The trouble is for us to agree on what is economy. I know the gentleman's idea is that it would be economy to leave this provision in the bill and let them make a four-year contract. That seems to be the idea of the department. But with that I can not agree, because the chairman of the committee just stated awhile ago that the First Assistant Postmaster General stated that the same service had been performed this year without the use of these machines at perhaps a thousand dollars less. It occurs to me that if we can save this amount of money each year that we ought to do so.

Mr. WEEKS. May I call the attention of the gentleman from Missouri to the additional testimony on that point by the First Assistant Postmaster General? I asked if that would be the result for the whole city, and he said:

Yes; under this contract. I think the cost is \$14,000 for the present year, \$1,000 less, and that is due to the fact that we have two new men at \$600; but if paid the average salary the expense would be the same.

In other words, these men would go up to \$1,200 a year, and in the course of two or three years the expense would be the same.

Mr. HAMLIN. It seems to me—

Mr. STAFFORD. I beg the gentleman's pardon; I want to direct the gentleman's attention to the testimony of Mr. Grandfield in reference to the service at Baltimore. He says that the cost when they had the automobiles was \$13,125, and under the present system it is \$14,225.

Mr. HAMLIN. Why did you not continue the automobile service in Baltimore if it was cheaper?

Mr. STAFFORD. Because the automobile owners declined to enter into a contract for one year for that service. And not only is that the case in Baltimore, but that is the case in other cities in this country.

Mr. BYRNS. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman from Tennessee.

Mr. BYRNS. I want to say that I fully agree with the gentleman from Wisconsin in what he has said. I want to call attention to a case in my own city of Nashville. It was proposed to use the automobile service there for the collection of mails. It was well understood that if it could be used it would save money. A proposition was received from only one company. The other companies declined to submit propositions because they could not afford, they said, to undertake the service unless they were given a much longer term than one year. That is a case that came under my observation, and I believe, as a matter of business economy, this provision should be allowed to remain in the bill.

Mr. STAFFORD. That is not only the case in Nashville, but it is the case in the city of Washington. Now I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Chairman, it is my loss that I have not been able to hear all that the gentleman has said as to the delivery of these mails by automobile. I understand that for precisely a similar service the Government has saved by using automobiles in the collection of mail from \$90,000 to \$100,000.

Mr. STAFFORD. That was the estimate of the chairman of the committee that could be saved if there was given authority to enter into a contract for four years.

Mr. BUTLER. I presume the Government would be able to report the actual saving. What figures has the gentleman to show that in four-year contracts we could save 10 per cent more?

Mr. STAFFORD. We have nothing in the hearings as to the exact amount, but all through the testimony of the First Assistant Postmaster General it shows that there would be a saving.

Mr. BUTLER. That is the judgment of the First Assistant Postmaster General?

Mr. STAFFORD. Yes; the gentleman who has direct charge of this branch of the service.

Mr. HAMLIN. Mr. Chairman, I do not wish to be misunderstood. I have no doubt that you can make a contract with automobile companies for four years at a less rental than you can for one year, but I do not believe that you can make a contract with them that will give the Government the service as cheaply as you can do the collecting by owning the machines ourselves or else gathering the mail in some other way.

Mr. STAFFORD. That is the testimony of the officials; of course we can only go by the opinion of the officials of the department.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Wisconsin be extended two minutes in order that I may ask him a question.

The CHAIRMAN. The gentleman from Pennsylvania asks that the time of the gentleman from Wisconsin be extended two minutes. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. I did not catch the statement that was made of the testimony of Dr. Grandfield in regard to automobiles. Do I understand from the testimony given that in renting automobiles the company who furnishes the automobiles furnishes the chauffeurs?

Mr. STAFFORD. They do.

Mr. WILSON of Pennsylvania. Are the chauffeurs required to work more than eight hours a day?

Mr. STAFFORD. I can not give the gentleman any information on that.

Mr. WILSON of Pennsylvania. Are they under the direction of the Government or under the direction of the owner of the automobile?

Mr. STAFFORD. They are under the direction of the owners; it is a part of the contract.

Mr. WEEKS. I think I can give the gentleman the information he desires. The machines are contracted for for 16 hours a day, and we were informed last year that the men worked in relays of eight hours each.

Mr. WILSON of Pennsylvania. But the owner of the automobile would have a right to insist on the employees working more than eight hours, would he not?

Mr. WEEKS. I can not say about that, but he would not work more than eight hours in the Government service.

Mr. HELM. Mr. Chairman, will the gentleman from Wisconsin yield for a question?

Mr. STAFFORD. Certainly.

Mr. HELM. I would like to have the chairman explain one thing: These machines that are used by these carriers or collectors of mail have required two men to operate them.

Mr. WEEKS. One man runs the machine and is paid by the person who holds the contract, and a Government employee goes with him to collect the mail.

Mr. HELM. That vehicle requires only one man to operate it?

Mr. WEEKS. Yes.

Mr. HELM. How is it that the service can be rendered cheaper with a machine that costs a thousand dollars or more, with two men to operate it, than a vehicle and horse with one man, and he not necessarily an expert in the operation of the conveyance?

Mr. WEEKS. The service as now performed is done, some of it, by cart and horse, and some of it on foot, and some of it on bicycle.

Mr. HELM. The point I am trying to get at is, how is it that the service rendered by the machine, with two men, is cheaper for the Government than the man on foot or the man with the horse and vehicle?

Mr. WEEKS. Because it covers very materially more ground in the same time. That is one reason.

Mr. HELM. How much more?

Mr. WEEKS. They run between letter boxes at the rate of between 15 and 20 miles an hour, depending upon the character of the neighborhood.

Mr. HELM. How many more boxes or how much more territory or distance does an automobile cover than a man with a vehicle?

Mr. WEEKS. Well, the machine was in operation for 16 hours a day, and my estimate would be that it would cover three times as much area as a man with a cart.

Mr. FINLEY. Three times?

Mr. WEEKS. Certainly twice.

Mr. HELM. Then, I understand from the gentleman that the man with the automobile reduces the number of men with horses and carts and in that way the economy is worked; in other words, that there are fewer automobiles than horses and vehicles that cover the same territory.

Mr. WEEKS. Oh, fewer automobiles covering the same territory, of course; very many less; but there are only a few cases where automobiles are used anywhere, because the department has not been able to make contracts.

Mr. COX of Indiana. Mr. Chairman, the statement has been made this morning by some of my colleagues on the committee

to the effect that a great saving was effected by reason of the last Post Office bill containing a provision to permit the Post Office Department to enter into contracts for the rental of canceling machines for the period of three years. I am compelled to take issue with members of my committee that that was the sole cause of enabling the Government to get a cheaper contract for the rental of its canceling machines. That one fact may have entered into and become a part of the consideration whereby the Government was enabled to get a cheaper yearly rental than it otherwise would, it may be true, but some one may get the idea that that was the sole cause of it. It will be remembered that the gentleman from Illinois [Mr. FOSTER], if I remember correctly, offered a limitation upon the Post Office bill limiting the amount of rent that the Government should pay for canceling machines not to exceed \$300 per year, and I am very strongly of the opinion that because of that limitation placed in the Post Office bill the Government was able to get this reduction in price, rather than because of the provision contained in the bill giving to the Government the right to make three-year contracts.

Mr. WEEKS. Will the gentleman yield?

Mr. COX of Indiana. Yes.

Mr. WEEKS. I wish to say in that case that I have been informed by the department that before this limitation was placed in the bill the same terms had been offered by the company manufacturing the Hay-Dolphin Flyer if they had a contract for three years.

Mr. FOSTER of Illinois. Then, Mr. Chairman, will the gentleman state why it was that after having the postmaster or the assistant before it the committee should come in here and fight this sort of provision in the bill?

Mr. WEEKS. We did not have that information when the bill was under consideration.

Mr. FOSTER of Illinois. There was no thought of an offer from that Hay-Dolphin Co. to accept \$300 until that provision was put in the bill.

Mr. WEEKS. We did not have that information until after the bill was considered on the floor; and, furthermore, the committee did report last year in the bill a provision authorizing the department to make a three-year contract for canceling machines.

Mr. FOSTER of Illinois. Yes; but there was nothing less than \$400 a year for the rental of each machine, and I call to the gentleman's mind the fact that the committee very strongly fought that provision in the bill.

Mr. COX of Indiana. Not all of the committee.

Mr. FOSTER of Illinois. Not all, but part of it.

Mr. WEEKS. I have no disposition, Mr. Chairman, to take any credit from the gentleman from Illinois. I have stated that it was a fact that contracts had been reduced when they had been made for a term of years below what the annual contract had been before, and I instanced that as one case.

Mr. COX of Indiana. I have no disposition, Mr. Chairman, to enter into that controversy any more than to lay before the committee and the House the facts. It may be possible, however, that the Post Office Department learned by some circuitous route, or that the owners of these canceling machines learned by some circuitous route, that on the floor of this House there would be a motion made limiting the amount of rent that the Government would pay for these canceling machines, and for that reason they may have gone to the Post Office Department in advance of the limitation that was put in the bill on the floor of this House and said to them, "If you will permit us to enter into a contract for three years for these canceling machines, we will let you have them at \$300." But in the last analysis of the situation this is true, that this House put a limitation upon the amount that the Post Office Department could pay for the use of these machines, and that was \$300 per year. Now, it may be possible that if this provision is permitted to remain in the bill, giving to the Government the power to enter into four-year contracts for the collection of mail by vehicles, automobiles, or something else, it may ultimately operate in a saving to the Government; but, on a careful study of the proviso against which the point of order is made, I sincerely believe that it ought to carry a limitation that would prohibit the Post Office Department from entering into a contract over and above a certain amount per year to be paid by the Post Office Department to the owners of the automobiles.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, if any enterprising business man had work of this kind to do, he would go out and buy his automobiles and get them fixed up with

boxes to accommodate and protect the goods that were to be delivered, and he would have only one man on the machine where the parcels to be handled were light. Now, if the Government should do or try to do it as economically as possible there is no trouble about its buying these machines, cheap machines with cheap boxes, but safe, strong, and commodious, and in the carrying of that mail let the Government letter carriers, who would quickly learn how to run these machines, operate them. There are plenty of them who are ingenious and quick enough to learn that. There should be only one man on one of these vehicles, and save the expense of two. If that idea is incorporated into this proviso so as to give the Government a chance to develop and work it out to advantage, it seems to me it would be well to let this proviso stand. I wish the gentlemen who have charge of this matter would suggest to the Government the other proposition of buying machines and of having only one man on a machine. Doctors go around and practice medicine and business men go around from place to place and run their own machines. They do not need an experienced chauffeur to run the machine or to take care of it when standing outside, and the carriers can go on the machines and operate them without additional help.

The CHAIRMAN. Does the gentleman from Missouri make the point of order?

Mr. HAMLIN. Yes, sir; I shall have to insist upon the point of order, with the hope that the committee, when the time comes to report next, will make an investigation into this matter.

Mr. PARSONS. Will the gentleman withhold his point of order for a moment?

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this—

The CHAIRMAN. The Chair desires the gentleman from Missouri to state his point of order.

Mr. HAMLIN. I make the point of order against that provision of the paragraph commencing with the word "Provided," in line 16, down to the end of that paragraph, the word "service," as a change of existing law. I am willing to reserve the point of order still further.

Mr. PARSONS. I wish to suggest to the gentleman before he makes the point of order—

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on the paragraph and amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PARSONS. Mr. Chairman, I wish to suggest to the gentleman from Missouri, if he makes this point of order, we are not only affecting automobiles but affecting wagon service. As it is now, when you have not this proviso in, a contract for wagon service can only be made for one year. If you put in the proviso, that contract can be made for four years; but if the contract can only be made for one year, then a man who now has the contract has a practical monopoly, because no one else can go into the business and bid against him on a one year's contract, because he could not expect in one year to pay for the wagons. On a four-year term it might be worth while. Now, that has been the experience in New York, as I know from contractors who have wanted to bid on it.

Mr. HAMLIN. We have had a wagon service for a number of years now.

Mr. PARSONS. We have.

Mr. HAMLIN. How is it that we have not discovered until now it would be well to make four-year contracts on wagon service? But I am not responsible for the drafting of this provision. I would be glad if the automobile provision was not included in it, but it is, and I can not support it.

Mr. MANN. May I ask the gentleman from Massachusetts [Mr. WEEKS], Has not the department authority to make four-year contracts for horse and wagon service?

Mr. WEEKS. Not in service under this particular appropriation. It has authority for making four-year contracts for what is known as the screen-wagon service. And gradually the provision for extending the time for making contracts has been included in bills. This year the committee was almost unanimous—I do not know that it was quite unanimous—in favor of giving the department authority to make all contracts for terms of four or five years, and the department made the recommendation that they should be given that authority.

Mr. MANN. As I recall it, last year in a bill we gave authority for a four-year contract for certain steamboat service to cover the Detroit River.

Mr. WEEKS. Yes; to cover the Detroit River.

The CHAIRMAN. Does the gentleman from Missouri [Mr. HAMLIN] make the point of order?

Mr. HAMLIN. Yes, sir; I insist on my point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GARDNER of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 17, line 16, after the word "dollars," insert:
"Provided, That none of the money appropriated in this item shall be expended under any contract hereafter entered into for a less period than four years."

Mr. HAMLIN. Mr. Chairman, I reserve a point of order on that.

Mr. GARDNER of New Jersey. Mr. Chairman, I take it there is no point of order to discuss. That is a limitation far within the lines of the rule.

Mr. MANN. Mr. Chairman, I would like to be heard on the point of order for a moment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. I am in full sympathy with the purpose that the gentleman has in his mind and that the committee had, but I think the amendment is subject to the point of order made by the gentleman from Missouri [Mr. HAMLIN]. One thing is perfectly clear, that under the existing law the Postmaster General does not now have the authority to make a four-year contract. What, then, is the purpose of this amendment? Is it to prevent any money being paid for this service or to change the law? Would the distinguished gentleman from New Jersey say that the purpose is to prevent any money being paid out of this appropriation? The Postmaster General now has no authority to make a four-year contract, and the effect of the amendment, if it prevails, is either to forbid the expenditure of any of the money, which we have the power to do, of course, or change the law so that the Postmaster General may make a contract for four years. It is perfectly patent, I think, to the Chair and to every Member of the House that the purpose of the amendment is not to forbid the expenditure of any money carried in the appropriation for the hire of equipages, but is to change the law and authorize a four-year contract. The frequent holding has been that where the necessary effect of the amendment is to change the law, if the Postmaster General has the right to read this amendment as authorizing him to make a four-year contract, then it is subject to the point of order. If he has not the authority, then the gentleman has overshot the mark entirely.

Mr. GARDNER of New Jersey. The gentleman has not overshot the mark at all, Mr. Chairman. If the Postmaster General has the authority to make a four-year contract, nothing could be further away than to think the language of that amendment conferred that authority. The amendment will stop the entering into contracts hereafter for a less period than four years.

The CHAIRMAN. Will the gentleman from New Jersey inform the Chair what law authorizes the Postmaster General to make contracts for four years?

Mr. GARDNER of New Jersey. "The gentleman from New Jersey" does not mean to contend that there is any law authorizing the contract for the automobile service for four years.

The CHAIRMAN. No; any contract covering this paragraph relating to horse-hire allowance, and so forth, for four years.

Mr. GARDNER of New Jersey. There is no authority that I am aware of to make those contracts for four years.

Mr. NORRIS. Will the gentleman permit a question right there?

Mr. GARDNER of New Jersey. Yes.

Mr. NORRIS. Would not the effect of the adoption of the amendment which the gentleman has offered give the Post Office Department the authority to make a contract for four years, and is not that the intention of the amendment?

Mr. WEEKS. May I call the attention of the Chair to the action of the committee limiting debate on this paragraph and the amendments thereto to five minutes?

Mr. MANN. That does not limit the debate on the point of order.

Mr. HAMLIN. May I ask the gentleman a question?

Mr. NORRIS. I would like to have an answer first.

Mr. HAMLIN. May I ask the gentleman a question?

Mr. NORRIS. I would like to have the gentleman answer my question.

The CHAIRMAN. The point of order of the gentleman from Massachusetts is well taken, so far as amendments are concerned. The discussion now is on a point of order which would

not come under that point of order made by the gentleman from Massachusetts. The Chair is hearing the discussion of a point of order. Now, the gentleman from New Jersey has been addressing the Chair upon the subject of legislation existing authorizing the Postmaster General to make contracts under this paragraph.

Mr. NORRIS. Mr. Chairman, the gentleman from New Jersey has asked me to repeat the question which I asked him, and which bears precisely upon the point of order. The question I asked him was whether—and I want him to take this question in connection with what he has just stated—that there is no law which gives the department the right to make a four-year contract.

Mr. GARDNER of New Jersey. For an automobile.

Mr. NORRIS. For horse-hire allowance; for the purposes named in the paragraph of the bill. If there be no such law, I want to ask the gentleman if the adoption of his amendment would not give to the Postmaster General the right to make that kind of a contract and if that is not the object of the amendment.

Mr. GARDNER of New Jersey. I answer both questions, no. The gentleman is a lawyer, and how he can contend that that negative language, limiting an expenditure, confers affirmative authority, I do not understand.

Mr. NORRIS. Then I would like to say to the gentleman that if his amendment would not have that effect, as I heard the amendment read and as I understand it, it would have the effect of making it impossible to expend any money under this appropriation. As I understand the gentleman's amendment, it would make it impossible for the department to make any contract except a four-year contract.

Mr. GARDNER of New Jersey. That is true.

Mr. NORRIS. If that is true, and this amendment is adopted, would it not follow that the department could not make any contracts whatever for horse hire?

Mr. GARDNER of New Jersey. That is true, but it does not go to the point of order.

Mr. NORRIS. Well, it seems to me that the very object of the gentleman's amendment was to make that change in existing law.

Mr. HAMLIN. Will the gentleman permit me to ask him a question or two?

Mr. GARDNER of New Jersey. Certainly.

Mr. HAMLIN. I understand that the gentleman concedes that there is no law now authorizing the Postmaster General to make four-year contracts for this service?

Mr. GARDNER of New Jersey. For automobiles; that is true.

Mr. HAMLIN. And under your amendment, if he does not make any contract, no money can be expended for this service out of this appropriation?

Mr. GARDNER of New Jersey. That is true.

Mr. HAMLIN. If that be true, in order to carry on this service, he would be compelled to make four-year contracts, would he not?

Mr. GARDNER of New Jersey. No; he need make none at all.

Mr. HAMLIN. How would he do?

Mr. GARDNER of New Jersey. That is for him to find out under this doctrine of limitation, or else get another ruling.

Mr. HAMLIN. Then the real force of the amendment is to have the Postmaster General construe it in a manner that gives him authority to make a four-year contract?

Mr. GARDNER of New Jersey. The real purpose is to put in one amendment, which may be perfected by other amendments. The only question is on the point of order, to which the gentleman's queries do not go.

The CHAIRMAN. The Chair desires to ask the gentleman from New Jersey, Has the Postmaster General in the course of his business been making four-year contracts under this paragraph?

Mr. GARDNER of New Jersey. Mr. Chairman, "the gentleman" at this moment can not recall whether the service provided for in this amendment is on the four-year basis. I say to the Chair that my idea is not; and under the amendment, if allowed, some of it would be stopped.

The CHAIRMAN. The Chair would ask the gentleman from Wisconsin if he has information as to whether or not in these contracts the Postmaster General has been making four-year contracts.

Mr. STAFFORD. Mr. Chairman, until two years ago it was the practice of the department to make longer term contracts than at present, but the comptroller rendered a decision about that time which held that the department did not have any authority to enter into contracts for a longer term than the one

year of the appropriation. I know that no contracts now exist for a longer period than one year, other, perhaps, than those entered into prior to the ruling of the comptroller.

Mr. GARDNER of New Jersey. With due modesty, I wish to suggest, as to the point under consideration, neither the queries of the Chair nor the answers of the gentleman are pertinent. This committee has power and the parliamentary right to strike out all that item; it has the power and the parliamentary right to strike out any part of it; and it has the power and the parliamentary right to adopt any limitation that will have the effect of suspending any part of it. The right to strike out the whole carries with it the right to strike out any part, either by limitation or otherwise. The greater includes the less.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10053. An act to extend the time within which the Baltimore & Washington Transit Co. of Maryland shall be required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908;

S. 9729. An act to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in Gass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910;

S. 9674. An act for the relief of James Henry Payne; and

S. 10221. An act authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston.

POST OFFICE APPROPRIATION BILL.

The committee again resumed its session.

Mr. CRUMPACKER. Mr. Chairman, I desire to submit a word or two upon the point of order. The proposed amendment seems to me to be an attempt to enact legislation under the guise of a limitation.

Here is a paragraph that appropriates more than \$900,000 for a specific purpose. A proviso is offered to the effect that none of the appropriation shall be expended unless contracts for a period of four years shall be entered into, there being no law authorizing such contracts. Every department officer and every court in the country would construe the amendment into legislative power on the part of the department to make contracts for a period of four years. The rules of interpretation of statutes are well settled. They require the giving effect to all of the language in an act to make it operative when it can be consistently done; and I repeat that no department officer, carrying the responsibilities of his position, could reach any other conclusion than that it was the intention of Congress to make the appropriation and then to give authority to make four-year contracts, an authority that did not exist before. The policy may be a wise one. I am not discussing that. This is a question of parliamentary law, and decisions made by the Chairman of the Committee of the Whole House on the state of the Union will stand as precedents for future rulings. I know there are a number of decisions holding that legislation under the guise of a limitation is obnoxious to the rules. It seems to me that this is a clear case. I presume the Chair will view the question from the standpoint of a court in determining the legislative intention, and it strikes me that he can arrive at but one conclusion, that the proposed amendment is not in order.

The CHAIRMAN. The Chair is ready to rule. The committee undoubtedly has the right to limit the appropriation, but has no right, under the guise of a limitation, to add an affirmative construction of the law or give affirmative directions to the officials who are to enforce the provisions of this paragraph.

Construing this paragraph, the amendment proposed, the existing law, and the decisions of the comptroller upon existing law, as stated to the committee by the gentleman from Wisconsin, the Chair is clearly of the opinion that this would be an affirmative declaration in the law and might fairly be construed as authorizing four-year contracts. Under those circumstances, the Chair sustains the point of order.

Mr. STAFFORD. I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Insert after "dollars," in line 16, page 17, the following:
"Provided, That the Postmaster General may, in his discretion, enter into contracts for a period of not exceeding four years for the hire of horse-and-wagon service for the City Delivery Service."

Mr. STAFFORD. Mr. Chairman, the purpose of this amendment is to grant to the Postmaster General the right to enter into four-year contracts for horse-and-wagon service. It eliminates the objectionable features, to some, of the authority to enter into four-year contracts for automobile service. I hope that the amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. FOSTER of Illinois. Mr. Chairman, I believe that this amendment only includes the horse-and-wagon service. Now, it occurs to me that if this provision is going in, it ought to include the other service with it. I reserve a point of order on the paragraph.

Mr. STAFFORD. I make the point of order that the reservation comes too late.

The CHAIRMAN. The reservation does come too late. The amendment has been debated.

Mr. FOSTER of Illinois. I move to amend.

Mr. MANN. Was not debate limited upon this paragraph and all amendments thereto some time ago?

The CHAIRMAN. The point of order of the gentleman from Illinois is well taken. The question is on the amendment of the gentleman from Wisconsin.

Mr. FOSTER of Illinois. I think I have the right to offer an amendment to this amendment, without being ruled out of order by the Chair.

The CHAIRMAN. The gentleman will submit his amendment.

Mr. FOSTER of Illinois. After the word "service" I move to amend by inserting the words "and automobile vehicle service."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after "service" in the amendment the words "automobile vehicle service."

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

Mr. HAMLIN. I make the point of order on the gentleman's amendment.

Mr. FOSTER of Illinois. I submit it is too late; that when an amendment is offered which itself is not in order, no point of order can be made to an amendment to that amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri. The gentleman from Missouri was on his feet?

Mr. HAMLIN. Yes.

The CHAIRMAN. The Chair recognizes him.

Mr. HAMLIN. I make a point of order against the amendment offered by the gentleman from Illinois.

Mr. FOSTER of Illinois. I want to be heard on the point of order.

The CHAIRMAN. The gentleman from Illinois will be heard. Mr. FOSTER of Illinois. Mr. Chairman, it is admitted that this amendment offered by the gentleman from Wisconsin is not in order, but no point of order having been made against it, an amendment to it which is germane is also in order and could not be held not to be in order.

The CHAIRMAN. The amendment of the gentleman from Wisconsin was before the committee and no point of order was made against it. That amendment can be perfected by an amendment which is germane. The amendment offered by the gentleman from Illinois [Mr. FOSTER] is germane, and so the point of order of the gentleman from Missouri is overruled.

Mr. FOSTER of Illinois. Mr. Chairman, I am going to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection?

Mr. CRUMPACKER. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. HAMLIN) there were 36 ayes and 21 noes.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wisconsin as amended.

The question was taken; and on a division (demanded by Mr. HAMLIN) there were 33 ayes and 19 noes.

Mr. MANN. Mr. Chairman, I make the point of order that no quorum is present.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to make a statement.

Mr. MANN. I object.

Mr. STAFFORD. Then I ask unanimous consent to withdraw my amendment.

Mr. CRUMPACKER. I object.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and ten Members present—a quorum. The ayes have it, and the amendment is agreed to.

The Clerk read as follows:

For street-car collection service, \$10,000.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve a point of order to that, in order to ask the chairman a question. What is this street-car collection service?

Mr. WEEKS. The street-car collection service is in operation in three cities, and is a collection made by street cars. That is really all there is to it; it is an experimental service. It has been tried in one other city, with good results. The postmasters in the cities where the service is in operation report favorably regarding it, as do the patrons of the service, and the department is inclined to think that it is an advantageous service.

Mr. MICHAEL E. DRISCOLL. How are the collections made?

Mr. WEEKS. There are boxes on the street cars, and the people drop their mail into those boxes.

Mr. MICHAEL E. DRISCOLL. How is the mail sent to the post office?

Mr. WEEKS. I think these street cars pass the post office in every instance, and a post-office employee takes the mail out of the boxes.

Mr. MICHAEL E. DRISCOLL. It is all extra expense. The cities provide just as many boxes for mail?

Mr. WEEKS. No; that is not true; the boxes have been dispensed in many places.

Mr. MICHAEL E. DRISCOLL. I would like to know who inaugurated this street-car collection, whether it was the street-car companies or the department.

Mr. WEEKS. It goes back beyond the time that I have been connected with the committee, but from all the testimony before the committee by the department it seems that it is satisfactory.

Mr. MICHAEL E. DRISCOLL. I know that the street-car companies are trying to do something for the Government and trying to get more pay for it, and this is a kind of service that an enterprising manager of a street-railway company would undertake.

Mr. DIEKEMA. Mr. Chairman, in the city of Grand Rapids, Mich., this street-car collection is in operation. The street-car company is doing the work, an experimental work, for less than the actual cost to the company, because at every street crossing where there is anybody who desires to mail a letter the car must stop. The street-car manager from that city was here in conference with the Postmaster General and showed by figures absolutely indisputable that it was operated at an actual expense and loss to the railroad company; but the people of that city are accommodated so greatly by this work and with such entire satisfaction to the local postmaster and to the department here in Washington and it is so satisfactory to the people that the company maintains the operations at a dead loss to it.

Mr. MICHAEL E. DRISCOLL. It may be operated at a loss to the street-car company, but it is also loss to the Post Office Department, because it is impractical and not an economical way to do business. There ought to be boxes at the street corners and let the people do something for themselves, rather than to go and deliver their letters to the street cars.

Mr. DIEKEMA. That question was gone into very fully with the Postmaster General, and it was absolutely demonstrated that, instead of being an additional cost to the Government, it was an actual saving to the Government. Not only is it a saving to the Government, but the expedition of the business, the collection of the letters—being able to get them so much more rapidly to the post office—is a great help to the business of the public.

Mr. MICHAEL E. DRISCOLL. How does the street-car company make it up? I have never yet known of any street-car company willing to do work for a philanthropic purpose.

Mr. DIEKEMA. The only way the street-car company makes its pay is by getting the good will of the people of the city by rendering a service at less than cost.

Mr. WEEKS. Let me read to the gentleman from New York the testimony upon this subject.

Mr. MICHAEL E. DRISCOLL. When are they going to raise their price?

Mr. DIEKEMA. Not until the experimental stage is passed over.

Mr. MICHAEL E. DRISCOLL. Not until it is established, and then they will raise the price and make the money.

Mr. DIEKEMA. Then is time for the gentleman to object.

Mr. MICHAEL E. DRISCOLL. I object now. It is one of those new things.

Mr. WEEKS. It is not new at all.

The Clerk read as follows:

For Detroit River postal service, \$6,500.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike out the last word. I send to the Clerk's desk an article entitled "A limited parcels post," published in Wallace's Farmer, May 6, 1910, and ask that it be read in my time.

The Clerk read as follows:

A LIMITED PARCELS POST.

The demand for a parcels post of some sort will not down, no matter what the express companies, the mail-order houses, the fourth-class postmasters, or country merchants may say. The absurdity of being able to send a parcel to almost any part of the world at a less rate than the same parcel can be sent to the next county seat is so great that the people will before long get tired of a Congressman who can not see any way to enact a sensible parcels-post law.

There is no effort that we know of to secure a general parcels post. The effort is confined to securing some sort of a limited parcels post, something on the lines of that recommended by Postmaster von Meyer two years ago. By a limited parcels post we mean a parcels post at low rates, starting out from a town that has rural routes, and limited to the rural routes that emanate from that town.

Such a bill is now before Congress. It is not necessary for us to go into the details of this bill. Suffice it to say that it consolidates third and fourth class matter for rural-route purposes, and limits the weight to 11 pounds, without regard to size. The rates are as follows: For packages weighing 2 ounces or less, 1 cent; 4 ounces or less, 2 cents; 8 ounces or less, 3 cents; 12 ounces or less, 4 cents; 1 pound or less, 5 cents; over 1 pound, 5 cents plus 2 cents for each additional pound in excess of 1 pound.

We can not for the life of us see how the enactment of this law will in any way injuriously affect the business of merchandising in the country. Under this law the really up-to-date merchants would bring in goods by the railroad by freight, and would be ready to supply by mail any reasonable demand that the farmer would make. It would cost the mail-order house \$1.76 to send an 11-pound package to the farmer by mail, and about half that amount or a little more if sent by express.

The persons whom it would help are the farmers and the country merchants who are up-to-date. The persons who would naturally be opposed to it are those interested in the mail-order houses and express companies. We have had reason to believe for some time past that interested parties furnished the funds to organize the retail merchants' association to oppose this bill. This is the only way that we can account for some suggestions that were made to the Country Life Commission in the way of paying its expenses. We have no proof of this that we can quote, but there are some things of which one may be pretty firmly convinced without having proof that would stand in a court of justice, and this is one of them.

Mr. SMITH of Michigan. Mr. Chairman, I have asked to have the article read, because I desire to ask the chairman of the committee a question. I would like to know if the committee expects before this session is over to report a bill for a parcels post.

Mr. WEEKS. Why, Mr. Chairman, the chairman of the committee can not answer such a question as that. I stated yesterday on the floor that there were several bills pending before the committee, and after this bill is disposed of I propose to call the committee together to decide what action will be taken. The chairman has no information from the members of the Post Office Committee what their opinions are, therefore I can not answer the question in any other way.

Mr. SMITH of Michigan. I should not have asked the question had I known that the gentleman had answered it before. I would like to ask one further question that is perhaps not in order at this time, and that is, what the present salary of the railway mail clerks is.

Mr. WEEKS. It varies from \$800 a year to the division superintendent, who receives \$3,000 a year.

Mr. SMITH of Michigan. How long since their salary was increased?

Mr. WEEKS. I think it was increased under the classification act of 1907. I do not remember that there has been any increase for three years.

Mr. SMITH of Michigan. Can the gentleman state what the increase was?

Mr. WEEKS. I am informed by the gentleman from Wisconsin [Mr. STAFFORD] that it was increased \$100 in each case.

Mr. STAFFORD. At the time we increased the letter carriers and the postal clerks and rural letter carriers we granted an increase of \$100 to every railway mail clerk in the service.

Mr. WEEKS. And in addition to that it was increased last year by an allowance, which is still further increased this year sufficiently so that it will give each man who may receive an allowance about \$50 more than his salary.

Mr. SMITH of Michigan. Is there any provision in this bill for an increase of the salary of the rural carriers?

Mr. WEEKS. No; there is not.

Mr. SMITH of Michigan. Did the committee consider that?

Mr. WEEKS. Yes; somewhat.

Mr. SMITH of Michigan. And decided not to increase the salary?

Mr. WEEKS. Well, it is not in the bill.

Mr. MANN. They are waiting until they dispose of the parcels post first.

Mr. SMITH of Michigan. Mr. Chairman, I withdraw my motion to strike out the last word.

Mr. SULZER. Mr. Chairman, I move to strike out the paragraph.

Mr. WEEKS. I wish the Chairman to make a note that the gentleman from Michigan withdrew the pro forma amendment, otherwise the Detroit River service would not be provided for.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

Mr. SULZER. Mr. Chairman, as the author of the postal parcels bill now pending in Congress, I am glad the gentleman from Michigan [Mr. SMITH] has adduced some evidence that the people demand a general parcels post. The newspaper article which the Clerk has just read is interesting, and corroborates what I have frequently said in this House on the subject matter. The parcels post is popular with the people, and it should speedily be enacted into law. The newspaper article is timely, well written, illumines the subject, and demonstrates that the taxpayers of the country favor legislation for a general parcels post along the lines of my bill.

There is no reason in the world why the people of the United States should be deprived of the advantages of this benign legislation, that will bring producers and consumers in closer touch and be of inestimable benefit to all the people, especially those who dwell in the large cities and live in the producing sections of the country. It has been adopted in every European country, and it ought to be adopted here. We are making postal conventions with the countries of the world, by which their citizens can send to any part of the United States packages weighing 11 pounds at the universal postal rate, and the people of the United States are prohibited from doing the same thing because of our failure to pass the postal parcels bill I have introduced. It is a great injustice to the taxpayers of this country. It is a discrimination in favor of the foreigner against the citizen of the United States which is repugnant to my sense of justice. I am opposed to this inequality, and in order to obviate it I have introduced this bill. The Postal Progress League has indorsed it, and the representatives of over 10,000,000 taxpayers of this country appeared before the committee and urged its enactment. Why should it sleep in committee?

Mr. SMITH of Michigan. May I ask the gentleman a question?

Mr. SULZER. Certainly.

Mr. SMITH of Michigan. Is your bill a limited parcels-post bill?

Mr. SULZER. No; my bill is a general parcels-post bill. It applies to all parts of the country and would benefit all the people. A law similar to my bill is now in force in all countries which participated in the Universal Postal Convention save the United States. It should be the law here. One of the ablest men in this country on this subject matter is Mr. P. V. De Graw, the popular Fourth Assistant Postmaster General. He has carefully investigated it and knows as much about it, in my judgment, as any man in America. If the Members of the House will read his reports or take time to confer with him about it, they will no longer have doubts as to whether or not a general parcels post is wanted by the people. No one can overestimate the benefits that will accrue from its adoption.

There is but little genuine opposition, so far as I can find out, to a general parcels post. Then why should it not be law? The people want to know, and they believe the only real opposition comes from the express companies and the trusts. Mr. John Wanamaker, when he was Postmaster General, advocated this legislation and thoroughly discussed the subject and told us all about it, and I would commend to the membership of the House Mr. Wanamaker's reports made during the time he was in office.

Mr. WEEKS. Will the gentleman yield?

Mr. SULZER. Certainly.

Mr. WEEKS. I would like to have the gentleman from New York submit to the committee any evidence he has that there is any opposition to this legislation on the part of what he terms the express companies.

Mr. SULZER. Mr. Chairman, does the gentleman claim the express companies are in favor of the bill?

Mr. WEEKS. Oh, I am not making any statement at all. The gentleman here has made a statement, which goes broadcast through the country and gives people a wrong impression, which they ought not to have and for which, in my judgment, there is no foundation. Now, I want to have somebody who

makes that statement furnish evidence that the express companies are trying to prevent legislation in favor of a parcels post.

Mr. SULZER. Mr. Chairman, let me ask the gentleman a question. He is chairman of the committee. Have the express companies of the United States informed him that they are not opposed to the bill?

Mr. WEEKS. The express companies have had no communication whatever with the chairman of the committee or any member of the committee as far as I know.

Mr. SULZER. Have the express companies or their agents, directly or indirectly, ever appeared before the Post Office Committee in favor or in opposition to this legislation for a general parcels post?

Mr. WEEKS. Not since I have been connected with the committee.

Mr. SULZER. Mr. Chairman, I am glad to hear that, and I sincerely wish it were true that the express companies are not opposed to the bill, because, in my judgment, if it were a fact, then this bill would promptly be reported and enacted into law. If the express companies are not against the bill, where does the opposition come from?

Mr. WEEKS. Mr. Chairman, I would like to have the gentleman explain what he means by the statement "he wishes it were true," after the statement has been made that the express companies, directly or indirectly, have not appeared before the Post Office Committee since the chairman has been a member of it.

Mr. SULZER. My opinion is based on information which is published in the press and in official reports of the Government. Perhaps the gentleman knows whether the express companies are or whether they are not opposed to a parcels post. I am glad to have him inform the House, so far as he is concerned, as the chairman of the Post Office Committee, that he does not know whether the express companies favor the bill or whether they are opposed to it. But it seems to me that there must be some opposition from some source to this parcels-post legislation which the people of the country generally demand and, in my opinion, ought to have, like the people have in all other civilized countries. It seems to me there must be some opposition, because if there were not then certainly this bill would not be held up so long in the committee.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield to a question at that point?

Mr. SULZER. Certainly.

Mr. WEEKS rose.

Mr. SULZER. Wait a moment. I shall be pleased to answer the gentleman from Massachusetts [Mr. WEEKS]. The Post Office Committee has held extended hearings upon this legislation. There were represented before the committee, in favor of a parcels post, at least so it is said, 10,000,000 people in this country, through the representatives of various organizations, and yet nothing has been done to progress the legislation. Why all this delay? I have the most implicit confidence in the chairman of the Committee on the Post Office and Post Roads and in the members of that committee. I make no charge against them. I want light, and I wanted to say, when I got up, that the chairman and several members of the committee have assured me that just as soon as this Post Office appropriation bill is out of the way they intend to take some action on my bill for a parcels post. I am patiently waiting—

Mr. COX of Indiana. Will the gentleman yield?

Mr. SULZER. And I have contented my soul with the hope that as soon as this Post Office appropriation bill is disposed of the postal parcels bill will be taken up and the House given an opportunity to discuss it and to vote upon it. That is all I ask. Can anything be fairer?

Mr. COX of Indiana. Will the gentleman yield to a question?

Mr. SULZER. In a moment. I do not care what Members are opposed to the bill. I believe a majority favor it. My contention is that a great majority of the membership of this House are in favor of this parcels-post bill, and all I ask in the interest of the taxpayers of the country is fair play and an opportunity to have their Representatives pass upon the legislation on its merits—

Mr. WEEKS. Mr. Chairman—

Mr. MANN. I suggest to the chairman that we are all proceeding by unanimous consent.

Mr. SULZER. Quite true. I yield to the gentleman from Massachusetts for a question.

Mr. WEEKS. Mr. Chairman, the point I wish to make to the gentleman from New York [Mr. SULZER] and to this committee is that frequently there has been brought to the chairman of the committee and the committee the statement that the reason there is no parcels-post legislation is because of four ex-

press companies, and the gentleman from New York now, when asked the question where he obtains that information, says that he obtains it from the public press and from Government documents. I am going to ask the gentleman from New York to put any evidence which he would consider evidence in the Record, showing that the express companies are in any way interfering with or trying to interfere with this legislation.

I do not wish to stand here and have it repeatedly said that the reason that this legislation is not reported out of the committee is on account of some influence which is not a proper influence, because that is not true.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. SULZER. This is out of my time, and I want to reply.

Mr. COX of Indiana. I object, Mr. Chairman.

Mr. SULZER. I will yield to the gentleman.

Mr. COX of Indiana. I object.

Mr. SULZER. I yield to the gentleman.

Mr. COX of Indiana. I want to ask the chairman of the Committee on the Post Office and Post Roads if he will not permit the gentleman from New York [Mr. SULZER] to come before the committee and give there any information he may have that is concrete and relevant to the subject tending to show that any member of the committee is dominated or controlled by any express company.

Mr. WEEKS. Yes; I will welcome it.

Mr. SULZER. Mr. Chairman, I have the floor. I said I make no charges against the committee. It seems to me they assume too much. The fact that the parcels-post bill is held up in the committee speaks for itself. Let it be reported. Let us vote on it.

The CHAIRMAN. The debate must be confined to the amendment pending.

Mr. SULZER. Mr. Chairman, let me say to the gentleman from Massachusetts that he can find in Postmaster General Wanamaker's reports all that I have said about the express companies, and a great deal more. Now I yield to the gentleman from New York.

Mr. MICHAEL E. DRISCOLL. I have been receiving many printed petitions, or, rather, protests, against this parcels-post bill. I assume that other Members have been receiving the same kind of printed protests. I would like to know if the gentleman from New York, my colleague, can give me information as to what source they come from. They are all in the same form, and if they are inspired by the same parties I would like to have the gentleman give us what information he can as to where they are from.

Mr. SULZER. In regard to that, I am informed a mushroom organization, recently called together in Chicago, is making a futile effort to convey the impression to Members of Congress that if we had a parcels post it would do injury to the small country merchant. Of course that is ridiculous. Who is behind these people in Chicago I know not, but one can surmise.

Mr. WEEKS. Mr. Chairman, I must demand the regular order.

Mr. MANN. Especially when he goes to slandering Chicago.

The CHAIRMAN. The demand for the regular order is made.

Mr. SULZER. Mr. Chairman, I am informed that there is some opposition to a general parcels post on the part of the country merchants, and that this has been inspired almost exclusively by hardware manufacturers and large jobbing houses in the United States. These great corporations and the trusts would have practically no use for any sort of a parcels post. What, then, is the cause of their opposition? Simply this, that the large mail-order houses of the country, which buy and sell for cash exclusively, are not maintaining the list prices on trust-made goods. When the trusts refuse to sell the mail-order houses they have invariably gone into the manufacture of the goods themselves.

Then, another element actively engaged in stirring up opposition to parcels-post legislation, by means of prepared letters and petitions, are the large jobbing houses of the United States, particularly those which do a retail business. They raise the bugaboo of mail-order competition, and thus arouse the fears of the small country merchants. Most of these large jobbing houses are either doing a retail business themselves or by direct or indirect ownership control large department stores. One big jobbing house conducts a chain of 58 stores throughout the United States. All of these department stores are striving to build up as large a mail-order business as possible. The opposition, therefore, on the part of the parent houses, "for fear of injuring the merchants in the small towns," would be pathetic were it not so absurd.

The true animus of almost all the opposition to an extended parcels-post law, with a weight limit of not less than 11 pounds at a rate of 8 cents per pound, is fear of the direct selling. As Mr. E. W. Rankin, of Topeka, Kans., has so well stated:

I believe that when a manufacturer can sell his product direct to the consumer he is engaged in a perfectly legitimate kind of merchandising. This is so self-evidently true, in fact, that I will not argue the proposition.

And if this be true, it follows that there should not be any legal restriction upon direct, or mail order, selling. To the writer hereof it seems self-evident that there should be all possible facilities for cheap and easy conveyance of goods of all kinds, whether in small or large quantities.

If it lies at all within the province of the Government to carry the people's mail, and I believe it does, then it would seem entirely superfluous to argue that as large and as weighty packages should be carried as can be carried consistently with the Government's facilities for handling mail, and that the rate for this service should be made as low as possible. This surely is in the interest of the largest possible number of people.

In other words, I believe in a parcels post. I have never heard an argument against the parcels post which took account of the interest of the largest possible number of people which is the only *raison d'être* of the postal service. The greatest good to the majority is absolutely the only proper consideration in making postal rates.

And while this is so true, yet I am sure that with a parcels post 90 per cent of the retail merchandising of this country will always be done through the dealer.

But because of the facilities with which in these days of organization the retail dealers in a small town or a large town can organize to control prices, which means to raise them as they are in fact doing in many cities, it is exceedingly wholesome for us ultimate consumers that the retailer feel that the so-called mail-order house is his actual or possible competitor, and sooner or later the people are going to have a parcels post in spite of the powerful and so far effective opposition of the express companies, which are paying as high as 300 per cent dividends on watered capital stock.

Those concerned in fighting mail-order competition should not seek to fight it by legislation directed against mail-order business. If they do seek so to fight it, their efforts in the direction of repressive legislation should be resisted, and will be resisted by the people, who are more and more alert to the fact that when a man or any set of men get unrestricted power in their own hands there is great danger that they will use this power against the people's interest. That is the western idea, at least. It has always been the American idea that no man, nor limited number of men, are good enough and wise enough to be intrusted with absolute and irresponsible governmental power. The idea is growing that this principle applies likewise to economic power.

Those whose interest it is to fight mail-order competition can do it legitimately by securing for themselves as fair rates of transportation as possible for their particular locality. They can do it and should do it by fair terms to customers, by attractive quality of goods and by the right sort of price making. In other words, by all sorts of legitimate competition. If they can not meet these requirements they can not properly serve the public and have no reason for existence anyway, so far as the public is concerned, and certainly they have no right to ask for class legislation in their own interest.

Why should organizations of wholesalers and retailers, for the most part engaged in selling lumber, heavy hardware, and other nonpackage freight, incur expense in opposition to the parcels post at Washington when it would in no material way affect business except to benefit it? Their claim that the great mail-order or catalogue houses are behind the parcels-post movement the better to flood the country with their goods to the injury of the small retailers can not be substantiated. On the contrary, it is a fact that Sears, Roebuck & Co., of Chicago, who ship on an average 58 carloads of merchandise each day, are opposed to the parcels post, as are other catalogue houses of the same kind, the reason being that they have built their business up on the 100-pound minimum shipment so as to secure the lowest freight charges. In their catalogue and all their advertising they urge everyone to buy at least 100 pounds, and if they are unable to use all of the merchandise to have it shipped to them and endeavor to persuade their neighbor to take part of it. As they require the party who orders anything by mail to send an amount sufficient to pay the postage in advance they have little interest in the amount of the charge. The reason they are opposed to a parcels post, it seems to me, is that it would place the country merchant in a position to make a house-to-house delivery, and enable the consumer to get an almost immediate delivery of his goods, which he is unable to do under the present condition. Express companies in small towns do not deliver packages, and we believe that if a consumer could get a house delivery for his goods from the country storekeeper, which he could order by telephone or mail, he would be less liable to order 100 pounds from any mail-order house and await delivery at a railroad station from a week to 10 days or longer. Consequently the establishment of a parcels post would tend to build up the business of the village retailer, and make him a local agency through which the parcels-post system would naturally operate.

The testimony at the hearing on the bill for a parcels post showed that it had not tended in England to create mail-order houses, nor in Germany or in other countries has it been a means to foster direct selling by great department stores.

Some of the opposition on the part of the jobbing houses can be explained, as was stated at the hearing, by the fact that

a parcels post would increase their expense of doing business. It would create a demand for merchandise by the retailers in small quantity and permit them to carry a more varied stock and reorder as the goods sold. In this way they could secure the quickest possible turnover, which is the principle on which the largest department stores of the country are now operated.

A country merchant in New England writes:

My experience in competing with mail-order houses leads me to think a parcels-post system would be a benefit to me rather than an injury. Quite often, if one of my customers could buy from a mail-order house some small article that struck his fancy and have the article delivered cheaply by post, that would be the extent of his mail-order purchase. But he does not want to pay high express charges on the article, so he and his neighbors will pore over the catalogue and pick out enough goods to make a freight shipment. The result is that the mail-order house, instead of selling five pounds, sells a hundred pounds or more.

How many other country merchants would find the same condition among their customers with respect to mail-order business? Isn't there, in fact, a continual drumming up of trade for mail-order houses by purchasers who wish their neighbors to join them in order to make up a bulky shipment by freight and avoid high express charges? So far as we know, mail-order houses have never taken any particular interest in the parcels post. Is this because they are satisfied with a scheme that induces purchasers to buy in bulk? This phase merits consideration.

Every country merchant who has given this subject careful study realizes that a parcels post would put him in a better position to compete with the mail-order houses than any other legislation. This, of course, does not apply to the man who is not anxious to increase his business, either by mail or telephone, but prefers to sit on a case, whittle away, and only attend to such customers as may come into his store.

Now, Mr. Chairman, I sincerely believe the people demand an extended parcels post. I believe the people of the country generally favor its inauguration. I feel confident its establishment will be of inestimable benefit and advantage to all concerned.

The post office is one of the oldest governmental institutions, an agency established by the earliest civilizations to enable them to inform themselves as to the plans and movements of their friends and foes; and from the dawn of history the only limit upon this service has been the capacity of the existing transport machinery.

The cursus publicus of imperial Rome—the post office of the Roman Caesars—covered their entire business of transportation and transmission, and with its splendid post roads, swift post horses, and ox post wagons the Roman post office was a mechanism far wider in its scope than that of our modern post office; and, except for the use of mechanical power, the old Roman post was far more efficient in its service of the Roman rulers than is our modern post office in the service of the American citizen.

The evil of the Roman post office and the royal postal services that succeeded it was their common restriction to the enrichment of the ruling power. They were the prototypes of our modern express companies, which have for their chief end the enrichment of their stockholders rather than the promotion of the public welfare.

In this country the citizen owns the post office and wants to use it as his transportation company. Its end is to keep him informed, to make known his wishes, to provide means by which he may communicate with his fellow citizens for their mutual benefit, to supply his wants and dispose of his wares at the least possible cost, in the shortest possible time, and with the greatest possible security.

The postal system of rates, regardless of distance, regardless of the character of the matter transported, and regardless of the volume of the patron's business, eminently fits it for this great service. That it will sooner or later be greatly extended is absolutely certain; and the people will duly appreciate the aid of those who assist in its extension and development.

Mr. Chairman, as far back as 1837 Rowland Hill, of England, promulgated to the world the law that once a public transport service is in operation the cost of its use is regardless of the distance traversed upon the moving machinery by any unit of traffic within its capacity, and upon this law he established the English penny letter post of 1839.

Let me call attention to the following discriminations of our Government and the express companies in favor of the foreign citizen against the American citizen. Under the English post-American express arrangement English postal parcels now come to the United States as follows: Three pounds for 60 cents, 7 pounds for 84 cents, 11 pounds for \$1.08, and the express company transports these parcels from New York City at a common rate for the whole country of 24 cents a parcel. Meantime the express company taxes domestic merchandise of the same weights 25 cents to \$3.20, according to the distance traversed, while the post office taxes the public for a similar domestic service on a 3-pound parcel 48 cents; 7 pounds in two parcels, \$1.12; 11 pounds in three parcels, \$1.76.

In April last representatives of at least 10,000,000 American citizens, including the great agricultural associations of the country—National Grange, the Farmers' Union, the Farmers' National Congress—Retail Dry Goods Association of New York, the Associated Retailers of St. Louis, the Manufacturing Perfumers of the United States, the American Florist Association, and others, appeared before the House Postal Committee in favor of my bill, and demanded a domestic express post as extended and as cheap as that provided by the Postmaster General in our foreign postal service. The hearing showed that the public wanted an 11-pound parcels service at least. Seldom if ever has any proposition received a stronger public support, and it seemed as if the House Committee on Post Offices would be obliged to report at least some legislation back to Congress for its consideration. But nothing was done. I have renewed the fight in this session of Congress. If I can get the people to help me I firmly believe my bill can be reported and passed ere this session adjourns.

If the powers arraigned against the post office continue their efforts to limit its functions in behalf of private interests they will soon find themselves confronted with a Congress pledged to extend the service of the post office to a much larger degree of the public transmission business, and hence I think it wise that my bill should now be brought before the Congress for immediate consideration.

The neglect of the United States to establish a proper parcels post has so far limited the easy exchange of commodities and merchandise between manufacturers and consumers that it is making our Government appear away behind the times as compared with some foreign nations, such, for instance, as England, France, and Germany. It is a fact to-day that an American in England can send home by mail to any part of the United States a parcel weighing two and one-half times more than the United States limit for about one-third less in cost than the present home rates. In other words, the Universal Postal Union package unit is 11 pounds to the parcel, at the rate of 12 cents per pound, whereas the United States unit is only 4 pounds to the package and at a cost of 16 cents to the pound. The parcel rate in the United States prior to 1874 was 8 cents per pound for a package limited to a weight of 4 pounds. After that the rate was doubled, but the weight remained the same. Since 1874 the cost of transportation has greatly decreased. The question is, Why should not the people be given the benefit of this decrease by the establishment of a uniform low postal rate for parcels that will encourage the use of the post office as a medium of exchange of commodities and thus greatly facilitate trade?

Since the introduction of the rural free-delivery system in this country its operation has proved so satisfactory and so successful that Congress overlooks the annual deficit arising from the unreasonable restriction placed in the law limiting the kind of postal matter to be carried to letters, newspapers, and periodicals. The weight of the average load is ascertained to be but 25 pounds per trip, while the vehicle which the postal agent is required to supply can readily carry at least 200 pounds. It is estimated that should the restriction be removed and parcels be carried enough revenue would be received from the additional postage to more than pay the total cost of the system and not only make it self-supporting but largely decrease the annual postal deficit.

Besides, the establishment of a parcels post would to a very large extent cheapen the cost of the necessities of life and go far to lighten the burden of the average family.

Our failure to provide a parcels post is causing to the post office a needless loss of \$28,000,000 a year and to the public a loss of hundreds of millions, while at the same time we deprive the carriers of an opportunity to earn a reasonable living.

The time is now at hand for Congress to heed the insistent demand of the people for an extended parcels post along the lines of my bill, the express companies and others to the contrary notwithstanding.

The citizens of the United States are certainly entitled to utilize the advantages of their own post-office system the same as the people in Europe now do, and they would gladly do so if the Congress would only enact a law, and to this end I appeal to all patriotic citizens to lend a helping hand.

I ask unanimous consent to extend my remarks in the RECORD. The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from New York to strike out the paragraph.

Mr. SULZER. I withdraw the pro forma amendment and will print in the RECORD as part of my speech the bill I introduced for an extended parcels post.

The bill is as follows:

A bill (H. R. 26581) to reduce postal rates, to improve the postal service, and to increase postal revenues.

Be it enacted, etc. That the common weight limit of the domestic postal service of the United States is hereby increased to 11 pounds, the common limit of the Universal Postal Union, and that in the general business of the post office the 1 cent an ounce rate on general merchandise—fourth-class mail matter—be, and is hereby, reduced to the third-class rate, 1 cent for each 2 ounces or fraction thereof.

SEC. 2. That the rate on local letters or sealed parcels posted for delivery within the free-delivery services is hereby determined at 2 cents on parcels up to 4 ounces, 1 cent on each additional 2 ounces; at non-delivery offices, 1 cent for each 2 ounces.

SEC. 3. That all mail matter collected and delivered within the different rural routes of the United States is hereby determined to be in one class, with rates, door to door, between the different houses and places of business and the post office or post offices on each route, as follows: On parcels up to one twenty-fourth of a cubic foot, or 1 by 6 by 12 inches in dimensions and up to 1 pound in weight, 1 cent; on larger parcels up to one-half a cubic foot, or 6 by 12 by 12 inches in dimensions and up to 11 pounds in weight, 5 cents; on larger parcels up to 1 cubic foot, 6 by 12 by 24 inches in dimensions and up to 25 pounds in weight, 10 cents. No parcel shall be over 6 feet in length, and in no case shall a carrier be obliged to transport a load of over 500 pounds.

SEC. 4. That on all unregistered prepaid mail matter without declared value an indemnity up to \$10 shall be paid by the Post Office Department for such actual loss or damage as may occur through the fault of the postal service, and this without extra charge. Certificates of posting shall be provided on demand. On registered parcels of declared value, and on which the fee for registration, insurance, and postage has been duly prepaid, the Post Office Department shall pay the full value of any direct loss or damage that may occur through the fault of the postal service. The fees for insurance and registration shall be as follows: For registration and insurance up to \$50, 10 cents; for each additional \$50, 2 cents. No claim for compensation will be admitted if not presented within one year after the parcel is posted.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. That this act shall take effect six months from and after the date of approval thereof.

The question was put.

The CHAIRMAN. The noes seem to have it; the noes have it, and the amendment is rejected.

The Clerk read as follows:

For mail bags, metal for mail-bag attachments, cord fasteners, label cases, and material necessary for manufacture and repairing of equipment, and for incidental expenses pertaining thereto, \$285,000: *Provided*, That out of this appropriation the Postmaster General is authorized to use so much of the sum, not exceeding \$5,000, as may be deemed necessary for the purchase of material and the manufacture in the mail-bag repair shop of such small quantities of distinctive equipment as may be required by other executive departments, and for service in Alaska, Porto Rico, Philippine Islands, Hawaii, or other island possessions, and for such special equipment for testing and for other purposes in connection with the reduction in the weight of mail equipment: *Provided further*, That not exceeding \$5,000 of this amount may be used by the Postmaster General for the temporary employment of expert service of persons not otherwise in the public service to examine into the methods employed in conducting the affairs of the mail-bag shop and the lock shop.

Mr. COX of Indiana. I reserve the point of order on the last proviso. Then the gentleman can make an explanation of it.

Mr. WEEKS. Are you going to make the point of order?

Mr. COX of Indiana. I am.

Mr. WEEKS. All right; go ahead and make it.

Mr. COX of Indiana. I make the point of order.

The CHAIRMAN. What is the point of order?

Mr. COX of Indiana. To the proviso at the bottom of page 19.

The CHAIRMAN. What is the point of order?

Mr. COX of Indiana. It is to the proviso at the bottom of page 19, ending with the word "shop," at the top of page 20, line 3.

The CHAIRMAN. What is the point of order you make against that provision?

Mr. COX of Indiana. The point of order is that there is no law whatever for the appropriation.

The CHAIRMAN. What does the gentleman from Massachusetts say to that point?

Mr. WEEKS. I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For railway post-office car service, \$5,010,000: *Provided*, That no part of this amount shall be paid for rent or use of any car which is not sanitary and sound in material and construction.

Mr. HUGHES of West Virginia. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Page 21, line 12, after the word "construction," insert "nor for additional cars not wholly constructed of steel."

Mr. WEEKS. Mr. Chairman, I reserve the point of order on that.

Mr. HUGHES of West Virginia. Mr. Chairman, my amendment is clearly not subject to the point of order, being merely a limitation upon the appropriation. That fact being perfectly plain, I will address myself to the merits of the amendment.

The effect of this amendment will be to prohibit payment from the appropriation for post-office cars for the next fiscal year

for new cars not wholly constructed of steel. It does not go as far as I should like it to go and prohibit altogether the use of wooden postal cars and the substitution thereof of steel cars. But it is a step in the right direction, and if this amendment be adopted it will serve the purpose I have in view of obtaining some specific and authoritative legislation that will reflect the sentiment of Congress on this subject and ultimately, I hope, result in all-steel post-office cars.

Mr. Chairman, it appears necessary, unfortunately, to sacrifice precious human lives to effect a reform of this kind. For some time it has been obvious that if we are to maintain in that all-important branch of the postal service, the Railway Mail Service, the high standard of efficiency attained by it, we should throw about it every possible safeguard and protect the faithful men whose lives are daily jeopardized in the discharge of hazardous duty. Considerations of humanity and of public policy demand as much, and in my judgment Congress will be remiss in its plain duty to the point of criminal negligence if it fails longer to require the use of steel cars. This was forcibly brought home to me during the recent Christmas holidays, when four railway mail clerks were instantly killed in a frightful accident on a railroad which runs through a part of my district. Those men were in a wooden car and had little or no chance to escape. The impact of the collision telescoped and splintered the postal car. Practically no one else on the train was hurt. Those men were the last contingent of a corps of clerks who had served on that division for 20 years, all of whom were killed in the service. I was acquainted with them. They were fine fellows, and they died bravely in the discharge of duty, as heroes. Our sympathy goes out to the bereft families, but nothing can now be done for the men themselves; they can not be brought back.

But, sir, we can turn from them and devote our attention to the living. With this costly experience we can do our duty by providing the best means known to human ingenuity to prevent such catastrophes and to reduce to the minimum the hazards of the Railway Mail Service. In my judgment steel cars furnish greater safety, and with their use the number of casualties can be greatly reduced. The Government pays the railroad companies enough for carrying the mails to justify them in providing equipment that will render this service less dangerous to the lives and limbs of postal employees.

I will put in the Record the following statement showing the number of railway mail clerks killed and injured during the years 1904 to 1910, inclusive:

Accidents in Railway Mail Service.

Years.	Total clerks.	Accidents.	Clerks killed.	Seriously injured.	Slightly injured.
1904	11,270	378	18	90	348
1905	12,110	357	12	125	386
1906	13,598	328	17	77	414
1907	14,357	470	21	125	662
1908	15,295	405	6	104	536
1909	16,044	354	15	93	403
1910	16,795	446	27	98	617
Total			116	712	3,366

Total killed and injured, 4,194.

Commenting on the accidents in 1910, the Second Assistant Postmaster General, in his annual report, says:

The year has been more disastrous in the number of clerks killed on the road than any in the history of the service. The number of clerks seriously and slightly injured is also very high, but was slightly exceeded in 1907. The record is deplorable.

Mr. Chairman, I am aware that the Postmaster General and the department, with the cooperation of the Interstate Commerce Commission, is encouraging the use of all-steel and steel underframe cars, and that the number of such cars put into use during the last year exceeded the number furnished during the preceding year. Yet it is a fact, as stated in the report of the Second Assistant Postmaster General, that of the cars other than steel there were 86 built and put in service during the past year. This means practically that the use of wooden cars is to be continued indefinitely unless Congress provides against their use. This means also that we will go on killing and maiming railway mail clerks at the same rate unless Congress calls a halt on the use of the wooden car. With the use of steel cars the toll of human life and limb which the wooden car exacts can be greatly reduced. My amendment is an entering wedge, and I would favor a provision going still further and legislating beyond next year. At any rate, let us do all we can to put a stop to this useless waste of human life, to say nothing of impairment of the service. I hope the point of order will be overruled.

Mr. CULLOP and Mr. GARDNER of New Jersey rose.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. GARDNER], a member of the committee.

Mr. GARDNER of New Jersey. Mr. Chairman, may I ask that the amendment offered by the gentleman from West Virginia be again reported?

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. GARDNER of New Jersey. I call the attention of the gentleman from West Virginia and the attention of the committee to the fact that that might make it impossible to continue the mail service sufficiently after July 1, under the particular wording of it. The proviso as it stands is that no part of this amount shall be paid for the use of any car which is not sanitary and sound in material and construction. As I understand the amendment, it adds the provision that the cars must be constructed wholly of steel.

Mr. MANN. That is not the amendment.

Mr. GARDNER of New Jersey. It raises a question whether it will be possible to get into existence by July 1 enough steel cars to carry the mail.

Mr. HUGHES of West Virginia. I think the gentleman is laboring under a misapprehension as to the wording of the amendment. It relates to the new cars that the railroads shall furnish in the future and provides that they shall be constructed of steel.

Mr. GARDNER of New Jersey. If that is the effect of the amendment, I have no objection to it. As I understand it, it would put every car out of the service on the 1st of July that is not constructed wholly of steel, and there are not steel cars enough to carry on the service.

Mr. HUGHES of West Virginia. That is not my understanding of the amendment.

Mr. GARDNER of New Jersey. That is what it does.

Mr. COX of Indiana. I should like to hear the amendment reported again.

The Clerk read as follows:

Page 21, line 12, after the word "construction," insert "nor for additional cars not wholly constructed of steel."

Mr. GARDNER of New Jersey. I did not understand that the word "additional" was in the amendment.

Mr. HUGHES of West Virginia. It provides that the additional cars furnished by railroad companies during the next fiscal year shall be of steel.

Mr. COOPER of Wisconsin. As I understand it, there have recently been purchased 86, or at least more than 80, new wooden postal cars.

Mr. HUGHES of West Virginia. In the last 12 months there have been 86 new wooden cars built.

Mr. COOPER of Wisconsin. What is the average life of those cars?

Mr. BUTLER. About 10 years.

Mr. COOPER of Wisconsin. Then, so far as those 86 cars are concerned, postal clerks will for 10 years be compelled to work in them. If placed between steel cars and the train derailed, the wooden postal car will be crushed, just as happened in a recent accident, and as always will happen when there is a derailment of a steel-car train containing one wooden car. The amendment ought definitely to command, as was provided in the statute concerning safety appliances on interstate trains, that on and after a certain date in the future no cars shall be used as mail cars unless constructed of steel.

To me it seems nothing short of inhuman to make up a train of heavy steel cars and between two of them to put a flimsily constructed wooden car, and then compel men to go into it to work. A collision or a derailment means practically sure death to the men in the wooden car.

Mr. HUGHES of West Virginia. I will say for the information of the gentleman that had this amendment been drawn in that way it would have been subject to a point of order. As it is drawn it is not subject to a point of order, in my opinion.

Mr. COOPER of Wisconsin. It ought to be drawn with the provision I have suggested, and then let some gentleman make the point of order if he wish to do so.

Mr. GARDNER of New Jersey. Nobody will make the point of order.

Mr. HUGHES of West Virginia. On yesterday I introduced a bill which will carry out the gentleman's idea, providing that so many steel cars shall be put into the service each year.

Mr. COOPER of Wisconsin. That should be in this amendment. If the point of order will not be made by any member of the committee I am sure no other Member of the House will make it.

Mr. HUGHES of West Virginia. I will ask the gentleman to wait a moment until I get a copy of my bill, which I have sent for, and then I will ask that that be embraced as an amendment.

Mr. MANN. Mr. Chairman, I do not know that the bill introduced by the gentleman from West Virginia went to the Committee on the Post Office and Post Roads or to the Committee on Interstate and Foreign Commerce. If it went to my committee I have not seen it.

I will say that we have had under consideration the general question of the construction of passenger cars, but up to the present time it is perfectly apparent that there are not in the United States sufficient manufacturing establishments to provide all the steel cars for use of the service. I think all the establishments that are making steel cars are running to their full capacity, or were a short time ago.

Doubtless after a short time it will be necessary, if it is necessary, to provide by legislation that no passenger car or car of a passenger train shall be other than of steel construction. There ought to be no wooden cars built for passenger service when the capacity of the manufacturing establishments is sufficient to turn out steel cars sufficient to provide for the service.

I am perfectly willing, as far as I am concerned, to require them to turn out postal cars first, although it is no more important to construct steel postal cars than it is to construct steel cars to be used in a passenger train.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. Is not the average passenger car of much stronger construction, much heavier and safer, than is the mail car? I have been told so by employees and by railroad men who ought to know.

Mr. MANN. I think the gentleman from Wisconsin is mistaken. There are various grades of cars; many passenger coaches are of no stronger construction than the postal cars are.

Mr. GARRETT. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. I will yield to the gentleman from Tennessee.

Mr. GARRETT. I understood the gentleman from Illinois to state that it was of no more importance to construct steel mail coaches than to construct steel passenger coaches. Is not the gentleman putting that a little too strong? The position which the mail coach occupies, it seems to me, renders it even more important that it should be strong and substantially constructed than is necessary in the passenger coach.

Mr. MANN. I think that does not make any difference, as far as the position of the car is concerned. A flimsy wooden coach in between two steel cars will be crushed at once, and the man in it will go the same way. It is more important to the postal clerks to have a steel coach protect them than to have it protect somebody else.

Mr. GARRETT. Mr. Chairman, I would like to ask the gentleman from Massachusetts, chairman of the committee, if he can state to the committee what the effect of this provision in regard to the sanitary cars has been.

Mr. WEEKS. Mr. Chairman, I think the effect of that provision has been good. I stated last year when the gentleman from Tennessee offered the amendment that I thought the department had the authority at that time to make the requirement which his amendment provided for, but the officers of the department have stated to the committee that it has been of assistance to the department to get rid of the cars about which there was some doubt as to their sanitary or physical condition.

Mr. GARRETT. I want to say to the gentleman that I have been informed that the sanitary provision in this act has not been enforced so rigidly as the physical provision. The amendment putting in the word "sanitary" was offered by the gentleman from Pennsylvania [Mr. NICHOLS], and I have understood from some that there has been considerable complaint among the postal clerks that the provision has not been enforced so rigidly as it should have been.

Mr. WEEKS. So far as the information received from the department shows, there is nothing on which to base that statement. There may be complaints, but they have not come to the department and certainly have not come to the committee. As far as my own investigation is concerned, I must say that the postal cars are more sanitary than the day coaches on some lines of railroads.

Mr. GARRETT. I have no information in my possession, either official or unofficial, but I will say that I received a communication a day or two ago informing me that information of that character would reach me by Monday next. If the gentle-

man does not expect to finish the bill to-day, I wonder if he would not let this provision go over so if further information comes I can offer an amendment if necessary?

Mr. WEEKS. If the gentleman can offer an amendment that will make any stronger the department's power in providing sanitary cars I will accept it now.

Mr. GARRETT. I am sorry, but I can not furnish it now. I do desire to examine this information before attempting to do so.

Mr. WEEKS. May I ask the gentleman if he thinks the information is coming from a source which would warrant the committee passing this matter?

Mr. GARRETT. I think the information to come has been collected from postal clerks.

Mr. WEEKS. Even in that case, is it not information that should be submitted to the department rather than brought up on the floor of the House?

Mr. GARRETT. I think not, I will say to the gentleman. I do not concur in all the rigidity of the regulations of the department. I think Congress is entitled to have the information as well as the department, and independent of it.

Mr. WEEKS. Oh, I think so, too; but I would like to have the information submitted to the department for its comment.

Mr. LLOYD. Is this information given in accordance with the regulations of the department?

Mr. GARRETT. Oh, the regulations do not permit them to make a statement. I understand this information will come—

Mr. LLOYD. So that the only information that the gentleman can get is by indirection?

Mr. GARRETT. It may be, in a measure. I want to examine it. Is the gentleman from Massachusetts willing to have the section passed over?

Mr. LLOYD. Mr. Chairman, in that connection, I desire to say that perhaps I have the same information. I have information from several different sources—obtained indirectly from postal clerks—statements to the effect that many of the postal cars are not in a sanitary condition, but I do not know any way to make this stronger.

Mr. NORRIS. Mr. Chairman, I offer as a substitute for the motion of the gentleman from West Virginia the following, which I send to the desk and ask to have read.

The Clerk read as follows:

In place of the amendment pending, page 21, line 12, after the word "construction," insert:
"Provided further, That after January 1, 1912, no wooden mail cars shall be used in any train any part of which is composed of steel cars."

Mr. MANN. I reserve the point of order on the substitute.

The CHAIRMAN. The Chair desires to inquire first whether there is a point of order, made by the gentleman from Massachusetts, pending against the amendment offered by the gentleman from West Virginia.

Mr. WEEKS. I reserved the point of order on that.

Mr. NORRIS. Oh, I was not aware of that.

Mr. MANN. Then this amendment is read only for information?

Mr. NORRIS. I concede that the amendment which I have offered is subject to a point of order.

Mr. MANN. Then I hope I will not have to make it. I think it needs changing.

Mr. NORRIS. It may be that it ought to be changed in some respects, and I am willing to accept any change that is reasonable.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk may be permitted to again report the proposed substitute.

The CHAIRMAN. Is there objection?

There was no objection, and the Clerk again reported the substitute offered by the gentleman from Nebraska [Mr. NORRIS].

Mr. MANN. Mr. Chairman, I would like to suggest to the gentleman from Nebraska that his amendment, instead of encouraging the use of steel postal cars, would discourage the use of steel postal cars. All the modern Pullman cars are practically steel cars. They are putting them on as fast as possible. Under the gentleman's substitute, if people can not use anything but steel postal cars on those trains not having steel postal cars, they can not use steel Pullman cars or steel coaches.

Mr. NORRIS. My object in putting the date in there is this: I am aware that the steel cars are being put into use just as fast as they can get them into use. I want to give a sufficient time, so that while they are developing the steel car for ordinary passenger or Pullman use they could likewise be manufacturing mail cars at that time.

Mr. MANN. Why would it not cover the case if we provided that after January 1, 1912, or some other date, no new postal cars should be accepted that were not of steel construction?

Mr. NORRIS. That would go a good ways, but the objection to it, I will state to the gentleman from Illinois, is that it would still permit the use of the old wooden car in connection with a train composed largely of steel cars, and that is where the danger comes in. Until the life of these wooden mail cars is gone they would still be used in connection with the steel cars. If this amendment which I have proposed is adopted they could use the wooden cars whenever the balance of the train was composed of wooden cars, but after January 1, 1912, if they had a train composed partly of steel cars they would likewise have to use the steel mail car.

Mr. MANN. But here is the trouble. There are only a few steel postal cars, and the gentleman's amendment would require either the postal car be taken off the train or else the steel Pullmans be taken off the train.

Mr. KENDALL. Will the gentleman permit a suggestion?

Mr. NORRIS. Certainly.

Mr. KENDALL. Why would not the proposition which the gentleman has in mind be effected by a provision requiring the department to establish the steel cars as rapidly as practicable? The difficulty now is that steel factories can not furnish the cars as rapidly as the department may desire to install them.

Mr. NORRIS. I think, I will say to the gentleman from Iowa, that the objection to that would be that they would continue to make steel cars for Pullman and ordinary passenger use and not make them for use of the mails.

Mr. KENDALL. The discretion must be lodged in the department, and it is fair to assume that the department will respond to what appears to be practically the unanimous sentiment of the country in favor of the greater measure of protection for the men engaged in the Railway Mail Service. Now, can not the department be depended upon to exact from the railway companies that measure of relief?

Mr. NORRIS. The condition might be, unless there was some positive law, that they might not put the steel cars on because there are none and the factories are busy now making other cars and can not stop to make the steel cars.

Mr. GARDNER of New Jersey. I want to say to the gentleman from Nebraska that the gentleman from West Virginia has perfected an amendment from his standpoint in this language, "that hereafter all railway mail cars constructed shall be built of steel."

Will not that operate to solve the whole difficulty as rapidly and with less interruption than any other way?

Mr. NORRIS. I think the objection to that, I will say to my friend from New Jersey, is that it will not prohibit the use of the wooden mail car in trains composed in part of steel cars, and that is where the danger to life and limb comes. The present danger and evil would continue until all the present wooden mail cars are worn out.

Mr. GARDNER of New Jersey. We can not prohibit that without demoralizing the whole service.

Mr. NORRIS. I think my amendment accomplishes that. Under that wooden mail cars could be used only in trains composed entirely of wood cars.

Mr. MANN. I think the gentleman overrates the danger from it.

Mr. NORRIS. That may be true. The great evil is putting the wooden mail car in front of a steel car and in case of accident or collision the steel car runs right through the wooden car and thus endangers the life of the mail agent.

The CHAIRMAN. The Chair desires to call the attention of the committee to the fact that this discussion is by unanimous consent. The amendment of the gentleman from Nebraska was read merely for information and it will not be in order until the point of order reserved against the amendment of the gentleman from West Virginia has been disposed of.

Mr. WEEKS. Mr. Chairman, I would like to state to the committee, as far as I am concerned, I am entirely in sympathy with any reasonable proposition which will conduce to protect the lives and safety of postal clerks. I do not wish to accept, however, an unreasonable proposition like the original one introduced by the gentleman from West Virginia, which would be impossible to carry out, and I do not want anything in the bill which the department will find it can not carry out because of some physical difficulty similar to what has been described by the gentleman from Illinois [Mr. MANN]. The possibilities of the manufacture of steel cars are limited, but I think this, that a provision that would in future limit the construction of mail cars to steel or, at least, constructed with steel underframes—and many cars are so constructed—and which would limit, as far as possible, the use of wooden mail cars on trains where steel cars are used, would be all that could be accomplished or should be undertaken at this time.

And, for the purpose of framing up an amendment which will substantially cover those two propositions, I think it much wiser that this item be passed and suitable consideration be given by the committee to such an amendment.

Mr. FINLEY. I would like to ask the chairman of the committee if he would agree to this language:

Add, after the word "construction," on line 12, page 21, these words: "wherever practicable, constructed of steel."

Mr. WEEKS. I think it may be made stronger than that without any detriment to the service.

Mr. COOPER of Wisconsin. I do not think that the gentleman can point out a single statute containing the words "wherever practicable," in the form and connection suggested in the amendment of the gentleman from South Carolina, that ever amounted to anything. The commissioner of labor of the State of Wisconsin once wrote me a letter saying that it was practically impossible to enforce a law containing the words "wherever practicable." The words are susceptible of so many and varied interpretations that the testimony of witnesses in court as to whether a certain thing was "practicable" is always colored by the feelings and interest of the man on the stand.

Mr. FINLEY. I am heartily in favor of the proposition.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that this paragraph be passed without prejudice and returned to later.

Mr. HUGHES of West Virginia. I will not make any objections to that; but to the chairman of the committee I would like to make a suggestion in reference to the amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that this paragraph may be passed for the present without prejudice, with the amendment pending, and the point of order reserved. Is there objection?

Mr. COOPER of Wisconsin. Will there be opportunity to present any other amendments?

The CHAIRMAN. There would be when the paragraph is again taken up for consideration. Is there objection?

There was no objection.

Mr. GARRETT. I would like to ask the gentleman if he can obtain from the department—there is nothing in the hearings that I see here as to what has been done—a general statement of what has been done in enforcing the sanitary provision by the department. Is there any information from the department that he has on that subject?

Mr. WEEKS. I have the hearings before me, and the Second Assistant Postmaster General did state that the provision put in the bill last year had been of assistance to the department in compelling the observation which it was intended to provide for.

Mr. GARRETT. That is true, and I have that language before me, but there is no attempt to state just what has been done in enforcing the sanitary provision.

Mr. WEEKS. The committee has no information on that.

Mr. GARRETT. Does the gentleman know whether such information can be obtained at the department?

Mr. WEEKS. I will try to obtain it before Monday.

The Clerk read as follows:

Railway Mail Service: For 14 division superintendents, at \$3,000 each; 4 assistant superintendents, at \$2,200 each; 14 assistant division superintendents, at \$2,000 each; 141 chief clerks, at \$1,800 each; 295 clerks, class 6, at not exceeding \$1,600 each; 1,491 clerks, class 5, at not exceeding \$1,500 each; 563 clerks, class 5, at not exceeding \$1,400 each; 2,757 clerks, class 4, at not exceeding \$1,300 each; 2,251 clerks, class 4, at not exceeding \$1,200 each; 6,261 clerks, class 3, at not exceeding \$1,100 each; 2,602 clerks, class 2, at not exceeding \$1,000 each; 600 clerks, class 1, at not exceeding \$900 each; 600 clerks, class 1, at not exceeding \$800 each; in all, \$20,512,900; and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. HAWLEY, Mr. MARTIN of South Dakota, Mr. MICHAEL E. DRISCOLL, and Mr. MACON rose.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is not in order for that purpose.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Amendments are not in order while a point of order is pending.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I offer an order.

Mr. MACON. I reserved a point of order for the purpose of obtaining some information from the chairman of the committee. I reserved a point of order on the paragraph, and I desire to interrogate the gentleman about the four new assistant superintendents to be found in lines 14 and 15, page 21.

There are four assistant superintendents at \$2,200 each. They seem to be new. They were not carried in last year's bill.

Mr. WEEKS. They were carried in last year's bill at \$2,000 each.

Mr. MACON. Then you propose to increase their salaries?

Mr. WEEKS. Yes; increase the salaries. This increase is to compensate these men for the change in per diem allowed them.

Mr. MACON. I thought they were not to be allowed per diem where they received a salary of \$2,000.

Mr. WEEKS. That is in the inspectors' division. Except in the case of 26 men, as was explained to the gentleman from Arkansas, where per diem was allowed, as that they received a salary of more than \$2,000 each. That was done to prevent the reduction of the salaries of those men.

Mr. MACON. Are these assistants traveling over the country all or a good deal of the time?

Mr. WEEKS. They are traveling about the country all the time.

Mr. MACON. And receiving no per diem at all?

Mr. WEEKS. They are receiving \$3 per day.

Mr. MACON. Did not the gentleman say the other day that \$4 was too much?

Mr. WEEKS. They had been receiving \$4 a day heretofore.

Mr. MACON. I understood the gentleman to say that \$4 is too much.

Mr. WEEKS. I think it is in many cases.

Mr. MACON. When you cut it down to \$3, why increase the salary as a compensation for having taken something from them that they were receiving that they were not entitled to?

Mr. WEEKS. Mr. Chairman, I explained to the gentleman from Arkansas the other day that it produces inequalities in the service; that some men receive an additional pay on account of their per diem and other men do not; that in some cases it was undoubtedly too much and in other cases possibly too little. But we do not wish to reduce any pay received by any of these inspectors, or men employed as inspectors, so we raised the salaries when we cut the per diem.

Mr. MACON. How does the increase of salary compare with the loss in per diem?

Mr. WEEKS. If they were away every day in the year, and they are substantially, the loss in per diem would be \$312, and they gain in salary \$200; so that it will be a net gain to the Government of \$112 for each man. Undoubtedly these men are away from home 275 days in the year. Therefore we save something in making that change.

Mr. MACON. I do not like the idea of finding an official who is receiving too much compensation as per diem, and when it is taken from him then increase his salary in lieu of it. I do not like that. [Laughter.]

Mr. WEEKS. Let me explain to the gentleman from Arkansas that it was very largely for the purpose of equalization. Some men were getting \$1,500 a year and were making out of their per diem, we will say, three or four hundred dollars. Other men receiving the same salary were not making anything extra and were doing substantially the same kind of work. It is for the purpose of equalizing the salary and pay that the change was made.

Mr. MACON. I suppose the chairman knows more about it than I do, Mr. Chairman, and the increases are small, only \$200, so I will withdraw the point of order.

Mr. HITCHCOCK. Mr. Chairman—

Mr. MANN. Mr. Chairman, I make the point of order on the paragraph, page 22, after the word "dollars," in line 11, down to the end of the paragraph.

Mr. WEEKS. I concede that, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The gentleman from South Dakota is recognized.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last word, and desire some information. I notice that the appropriation proposed in this bill for the Railway Mail Service is \$20,512,900. Is that an increase over the appropriation of the current year?

Mr. WEEKS. It is a decrease of \$570,100.

Mr. MARTIN of South Dakota. Was the entire appropriation for the last fiscal year used for that service?

Mr. WEEKS. No; it was not. The number of clerks in this service on November 30 was 16,553, and the number of clerks provided for in this bill is 17,593, or 1,040 clerks more than are now in the service.

Mr. MARTIN of South Dakota. I notice that the appropriation has decreased some \$500,000 from the appropriation of the current fiscal year.

Mr. WEEKS. That is true. The decrease in the number of clerks provided for in the appropriation for the current year is 404.

Mr. MARTIN of South Dakota. What reason has the committee for the reduction or recommendation of the reduction of the general appropriation for the Railway Mail Service?

Mr. WEEKS. Because there are available funds under the provision of the bill as it is for 1,040 clerks for appointment, and that is a larger number than the increase in any year within the recollection of the committee.

Mr. MARTIN of South Dakota. Did the department estimate for a larger appropriation for this Railway Mail Service than that recommended in the bill?

Mr. WEEKS. No; it did not.

Mr. MARTIN of South Dakota. I desire a few words additional, speaking in my time. I do not know what the experience in other localities may be, but the policy of the department in the growing States of the West, and particularly in the State that I in part represent, has given us a very inadequate Railway Mail Service.

For something over six months we have been endeavoring to get relief in various parts of the State for an overworked postal service, and the situation has become so intense that our State legislature the day before yesterday passed a resolution memorializing the Postmaster General, and indirectly the Congress, to make ample provision to relieve this situation.

The States of the West are growing very rapidly. The mail service is increasing constantly, and still it seems practically impossible to get into the minds of the administration of the postal service in Washington anything like an adequate apprehension of the needs of that service. It is a matter of daily experience that important mail is carried by, piled up at the end of the division, starts back on the next train, and some of it is worked out and some of it brought back a second time. The postal clerks are constantly objecting to this sort of a condition, but the administration here seems to regard them as simply parties in interest seeking to avoid a proper amount of work.

From personal observation on some routes I know that the situation is very serious and that, although the clerks are working overtime, they find it impossible to handle the mail according to the schedules of the trains. I have been trying for months to get improved service on the Chadron and Deadwood division. Numerous complaints have been made by patrons and postmasters at various points along the route. In the pursuit of my investigations on this subject, I got upon one of the trains on my way East and watched the service; and, whatever may be the fact in the older States, on practically every route in the State that I in part represent the postal clerks are overworked and sufficient clerks are not supplied to perform the service. Recently the clerks upon one of the main lines from the State capital, at Pierre, to Tracey, in Minnesota, practically struck because they were required to work during their lay-over time without any extra compensation.

Mr. WEEKS. What time of year was it that the gentleman traveled on the train to which he refers?

Mr. MARTIN of South Dakota. In the latter part of November I made a special trip, but the condition is not new.

Mr. KENDALL. It was not during the pressure of holiday business?

Mr. MARTIN of South Dakota. It was not a result of holiday business. The condition is not a new one. We have been endeavoring to get the department in Washington to have some realization of the situation. We have not given up that effort, but we find the department apparently in a spasm of economy, seeking to enforce a policy in a new and growing community that is not at all adequate to giving proper postal facilities.

Mr. CRUMPACKER. Is it the requirement in the western part of the country that when a railway mail clerk is disabled from the performance of duty the other clerks are required to do that work for him without additional compensation, when provision is made by the appropriation for the employment of substitutes?

Mr. MARTIN of South Dakota. Without being entirely posted on the subject, I understand that that is the practice.

Mr. CRUMPACKER. I have had numerous complaints from railway mail clerks running from Chicago to Pittsburg to that effect. They say it is the uniform practice now on those lines.

Mr. MARTIN of South Dakota. With the permission of the committee, I wish to put in the RECORD a resolution of our State legislature telegraphed to my colleague [Mr. BURKE of South Dakota], who lives at the State capital at Pierre, and some other data, showing the action of the legislature now in session, and newspaper comment upon the subject.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The documents referred to are as follows:

Resolution of South Dakota Legislature, January 19, 1911.

Whereas by order of the Post Office Department the railway postal clerks in the State of South Dakota have recently been required to perform extra duty on their regular lay-off periods without any additional compensation, notwithstanding the irregular work has been materially increased by the growth of the State: Therefore be it

Resolved by the Legislature of the State of South Dakota, That our Senators and Representatives in Congress present this matter to the honorable Postmaster General with the view that it be adjusted in such a way that justice may be done the postal clerks as well as to the service in this State, and that the chief clerk of the house be instructed to send to our Senators and Members in Congress a copy of this resolution.

Which resolution was adopted.

[Minneapolis Journal, Jan. 14, 1911.]

POSTAL CLERKS WILL QUIT POSTS—EIGHTEEN ON TRACY-PIERRE RUN BAND AGAINST ORDER INCREASING WORK.

TRACY, MINN., January 14, 1911.

Eighteen postal clerks on the Tracy and Pierre, Pierre and Rapid City, and Brookings and Pierre divisions on the Chicago & Northwestern Road have struck against the orders of the Second Assistant Postmaster General that whenever vacancies occur on the line over which they are routed such vacancies shall be kept up by the regular clerks until the department makes appointments.

All the clerks on the divisions mentioned have refused to comply with the order. Ten of them are in conference here to-day with W. H. Denniston, of Aberdeen, S. Dak., chief clerk of this postal division. They refuse to recede from the position they have taken, and it is regarded as settled that they and their eight colleagues on the divisions in question will be dismissed from the service.

The vacancy in question is on the run from Tracy to Huron, S. Dak., and return. The mail train from the west and the one from the east meet here at 2.30 a. m. The 18 clerks contend that to maintain this run without an additional quota of men will cause them a loss of \$200 each in a year. Some of the clerks live in this city, some at Huron, and others at various points along the route. They will stand as one man against the order, which they regard as unjust and arbitrary.

The clerks assert that they are worked hard at all hours of the 24 to keep up their regular runs without attempting to fill vacancies. Because of the extra time required of them the mail service along the Chicago & Northwestern in this section is demoralized to a considerable extent. Patrons complain that mail is frequently carried by stations and not delivered for a day or so after it is due.

The clerks admit that the situation is annoying to the public, but declare that the blame rests upon the Government department and its parsimony.

[Sioux City Journal, Jan. 17, 1911.]

POSTAL CLERKS IN TROUBLE—THREATEN TO STRIKE ON THE TRACY-PIERRE DIVISION—CLAIM THEY ARE OVERWORKED—MEN REFUSE TO DO ADDITIONAL LABOR FOR WHICH UNCLE SAM IS SUPPOSED TO PROVIDE HELPERS—DISPUTE IS A LONG-STANDING ONE—MAIL CARRIED BY TOWNS.

PIERRE, S. DAK., January 17, 1911.

The mail clerks who run into this city from the East have absolutely "bucked" on the filling of the helper runs in addition to their regular runs. The condition is that mail is being carried by stations almost every day, as it is impossible to get it worked between stations. The trouble has been of long standing, and is practically the same both on the Tracy-Pierre run and the Pierre-Rapid City run. There is complaint of poor equipment, but this is being lessened, as the railroad has been supplying better cars to take the place of older ones, but with the allaying in part of that complaint comes that of being called upon to work short-handed.

After a clerk has made a run of several hundred miles, working at high-pressure speed to keep up as near as possible the working of the mail for each station, he does not feel like stepping out of his car from that run and taking a duplicate of it on a run where there is a shortage of help. While he will do this for a fellow clerk in an emergency, to make it a part of his regular work he feels is putting it too strong, and right at that point he balks. At least the above is about what some of the clerks say of the situation, and while saying it they announce the belief that their action will probably result in their being removed from the service. But, regardless of that possibility, they are refusing to do the additional work for which the Government is supposed to provide helpers, and this, of course, is piled on them on their regular runs, making it impossible to do their work properly. The general impression is that it is all on account of the attempt to show a saving in the Postal Department.

[Editorial in Pierre Daily Dakotan.]

SHOW THE RIGHT SPIRIT—SOUTH DAKOTA RAILWAY POSTAL CLERKS MAKE A STAND FOR THEIR HONEST RIGHTS.

The railway postal clerks on the Tracy and Pierre, Brookings and Pierre, and the Pierre and Rapid City railway post offices have decided not to be imposed upon and have determined to not protect vacant runs in addition to their own without extra compensation. Immediately upon making this decision they notified the chief clerk of this division by wire, and he immediately left for Huron, where he met some of the clerks and entertained them at the Hotel Royal. Among the clerks so entertained was Clerk Fragrelson, who, not understanding the proposition, consented to go out on the first vacant run. Immediately after he completed this run the clerks met with him and further explained the matter, and he realized the situation and is now in sympathy with the balance of the clerks on these runs and will stand with them in their fight for their simple rights.

The Post Office Department is derelict in not giving to these clerks what the law provides. They have petitioned, urged, and explained. Their petitions have been met with promises, but the promises have ended in failure on the part of the department to make good. Nowhere in the service can be found a more intelligent and faithful bunch of postal clerks. They are not asking for anything the law does not give them; they are not asking for anything that clerks in other divisions are not given. The plain truth is that the department fails to take into account the growth of the postal business in this State. The department treats this branch of the service with indifference and imposes on

the railway postal clerks by insisting that each man perform the work which two men ought to do. The clerks who have decided to make a stand for their rights have no desire to embarrass the service. They have long runs and hard ones. They have not been given the promotion the law entitles them, nor do they receive the compensation such promotion carries. All over the country the railway clerks are being imposed upon by the parsimony of the Postmaster General, but nowhere is it carried to the extreme that it is in the West. In taking the stand they have they are entirely justified. Unless the department treats the railway postal clerks with more decency the service is destined to fall to a low plane and the entire country suffer. They are the dogs of the Government service, and the time is coming, and coming soon, when the department will not be able to secure the necessary men to perform the work. If the present condition continues, no self-respecting man will accept service. Fortunately, dagoes can not do the work, and Hitchcock can not bring the railway postal clerks down to the low plane of the Italian, otherwise there would be no help for the boys. As it is, there is some hope for them. They have long runs, longer hours, poor cars, poor pay, and hard work, requiring not only mental but physical exertion, and accept the risks of the service, knowing that if accident befall them or death come while on duty there is no protection for their loved ones. The department should be made to change its method of dealing with these employees.

[A South Dakota exchange.]
ECONOMY IN THE MAIL SERVICE.

The taking off of the mail car and clerk off the Sisseton line and returning to the old pouch service is one of the many moves made by Postmaster General Hitchcock in his efforts to make a great economy record in his branch of the Government. Economy is all right, and there may be departments of our National Government to which it would be a blessing, but when economy works to the disadvantage and inconvenience of a whole community, as well as being an actual injury to many, it is the wrong kind of economy. The mails on the Sisseton line are very heavy, 18 pouches a day going up, and if Mr. Hitchcock wishes to maintain the mail service on that branch at what it should be, he will put a mail clerk on both trains instead of on only one, as has been the case in the past. Congressman BURKE is at work in Washington, endeavoring to have the clerk placed back on that line, and it is sincerely hoped that he will be successful.

Another striking instance of Mr. Hitchcock's economy campaign is the fact that for the first time in 15 years the mail clerks on the main line of the Milwaukee, between Aberdeen and Minneapolis, were put through the entire holiday season without any extra help. Everyone knows that the holiday mails are more than double their normal volume, and the result was that the mail clerks on this line were worked beyond all reason. We are also reliably informed that many of the old and best men in the service are dropping out the country over, owing to the manner in which they are being overworked in the efforts of the department to economize, and they are being replaced with new and green men, with the result that the service is bound to suffer. There is such a thing as overworking even a railroad mail clerk.

[Letter from Ex-Gov. Samuel H. Elrod.]

CLARK, S. DAK., January 18, 1911.

HON. CHARLES H. BURKE, Washington, D. C.

MY DEAR SIR: I am just home from Brookings, and going and coming the people in the trains and everywhere were talking about overworked railway post-office clerks and the poor service that is the result of the overwork.

People were condemning the administration, and especially the Postmaster General. The department seems not to take into consideration that the State is growing very rapidly and that the amount of mail is very much greater.

The clerks have long runs, poor cars, and small pay, and it seems that no attention is paid to their requests.

Can't you do something to right these matters?

Yours, truly,

S. H. ELROD.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. KENDALL. I ask unanimous consent that the time of the gentleman from South Dakota be extended five minutes.

There was no objection.

Mr. MARTIN of South Dakota. The purpose of my calling attention to this matter now is in order to direct the attention of the committee and the country somewhat to the conditions of the Railway Mail Service in the West, and particularly to make sure that in this appropriation we are providing ample funds, so that the department shall not be crippled in providing for the proper needs of the railway service.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. NORRIS. I understand that the appropriation last year was sufficient, but that they did not use it. It seems to me that there ought to be some action taken that would induce the department to use the money.

Mr. KENDALL. There ought to be some direction to the department.

Mr. MARTIN of South Dakota. Certainly.

Mr. KENDALL. The condition described by the gentleman from South Dakota [Mr. MARTIN] is not peculiar to his State. The practice of the department is as suggested by the gentleman from Indiana [Mr. CRUMPACKER]. When one of the railway postal clerks becomes ill and disabled so that he can not perform his duties the practice is to require his associates in that service to take his place during their lay-off period without additional compensation. The consequence has been that in one route in Iowa, with which I am familiar, one clerk has worked 46 nights without any lay off or any additional compensation beyond what he would have received if he had

worked the regular time. This evil finds its origin in the department at Washington. The gentleman from South Dakota describes it as a "spasm of economy." I like that term as applied to the operations of this department. The department has entered upon the program of limiting expenditures everywhere, but I protest against its applying that doctrine to the railway mail clerk, the rural carrier, and other people engaged in the more arduous and dangerous part of the service. I hope some instruction may be given to the department here which will obviate the conditions complained of by the gentlemen from Indiana, South Dakota, and myself.

Mr. MARTIN of South Dakota. Mr. Chairman, the gentleman from Iowa has stated in my time what I could not have hoped to say any better, and it will relieve me from saying more than this: I think the difficulty is not at all confined to the policy of the department requiring clerks to work overtime and take the place of the invalid employees. It is a congested condition that has continued for many months, and the department appears to lend a deaf ear not only to the complaints from the postal clerks but a large part of the patrons all along the lines.

Mr. BUTLER. Is the Postmaster General aware of this condition?

Mr. KENDALL. Oh, yes; he has not been kept in ignorance.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words. I want to follow the line of discussion which the gentleman from South Dakota has just introduced. I would like to ask the chairman of the committee whether it is not a fact that there has been a reduction in the number of postal clerks employed during the last fiscal year; whether the record does not show that there was in the service June 30, 1910, 16,666 clerks, and on November 30, 1910, 16,533 clerks.

Mr. WEEKS. Those figures are substantially correct.

Mr. BORLAND. As I understand it, Mr. Chairman, the current law authorizes the total employment as 17,997 clerks. Is not that a fact?

Mr. WEEKS. That is correct.

Mr. BORLAND. Then, the Post Office Department has employed some 1,300 clerks less than the law of 1910 authorized.

Mr. WEEKS. Than were provided for.

Mr. BORLAND. There has been, if I am correctly informed, a general policy for the last few months of not filling the vacancies occurring by resignation and death, but reducing in that way the total number of clerks.

Mr. WEEKS. There has been a general policy to take up the slack in the service.

Mr. BORLAND. As I understand the present bill, while it appropriates for less clerks, a less amount of money than the law of 1910, it exceeds the number of clerks actually now in the service.

Mr. WEEKS. By 1,040.

Mr. BORLAND. The number appropriated for in this law is 17,593, and the number actually in the service is 16,553. Now, this is a fact, that recently there has been some correspondence between the committee and the department and between the department and men in the service, by which some modification of this regulation for reduction in the service has been determined upon.

Mr. WEEKS. That is a fact.

Mr. BORLAND. If I am correctly informed, there will be 300 additional employees between now and July 1 of this year.

Mr. WEEKS. Yes; if they are needed.

Mr. BORLAND. In other words, there is to be an increase.

Mr. WEEKS. Undoubtedly.

Mr. BORLAND. Whereas as originally contemplated by the department there would have been a continued decrease.

Mr. WEEKS. That is not a fact. The officers that appeared before the committee stated that they believed that they had made about all the saving that could be made in the changes that had been made.

Mr. BORLAND. Have there been savings in the line of administration reform other than those of not filling the places of those who resigned or died?

Mr. WEEKS. There have been savings in requiring somewhat longer hours from some men who were working less than eight hours a day and by a readjustment of the number of men employed on many routes and also in the number of substitutes employed.

Mr. BORLAND. On that point, has not the average number of hours of labor increased to an average beyond 6½ hours?

Mr. WEEKS. I think not materially.

Mr. BORLAND. Is not the average higher now than 6½ hours?

Mr. WEEKS. I think not materially, maybe slightly more.

Mr. BORLAND. Does not the report of the committee show that the average is 6 hours and 51 minutes?

Mr. WEEKS. I think not. I think it is 6 hours and 33 minutes.

Mr. BORLAND. Is it not a fact that in the western lines out of Kansas City, and the railway mail centers of the West and Southwest and Northwest, the increase in the number of hours is greater in proportion than an increase of $6\frac{1}{2}$ hours to 6 hours and 51 minutes?

Mr. WEEKS. I have no information on that point, Mr. Chairman, but the complaints about the changes in this service come from all parts of the country in about the same volume.

Mr. BORLAND. Then the complaints do not come particularly from the West and Southwest.

Mr. WEEKS. Oh, no; there are just as many complaints from New England as any other part of the country.

Mr. BORLAND. I understand that the East is not embarrassed at all.

Mr. WEEKS. There are just as many complaints coming from the East as from the West.

Mr. BORLAND. The gentleman stated a moment ago there had been some correspondence, which is now in the hands of the committee, with regard to this proposed modification of the regulations. Has the chairman that correspondence?

Mr. WEEKS. I have the correspondence and I propose to submit it to the committee.

Mr. BORLAND. Will the gentleman put it into the RECORD?

Mr. WEEKS. Yes; unless there is some motion made to change this service I will submit it to the committee so that it will go in the RECORD.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last three words. I desire to ask the chairman of the committee a question. Does this appropriation include sufficient money to make the necessary promotions in the Railway Mail Service in the regular order and as vacancies occur?

Mr. WEEKS. Yes.

Mr. HAWLEY. In the chief city of our State the complaint has been made for a considerable period that the mails come into Portland unworked and that they are delayed in their delivery in the city many hours very frequently; that this condition arises from the fact that not only are insufficient clerks put on the runs, but that when vacancies have occurred in higher classes no promotions from the lower classes were made to those positions and the force is reduced thereby. Is that necessitated by any lack of money in the appropriations?

Mr. WEEKS. It is not.

Mr. HAWLEY. Then they have the money to make the promotions, if they want to?

Mr. WEEKS. The department estimates it will have a surplus of \$464,000 at the end of the year.

Mr. KENDALL. Unexpended balance?

Mr. HAWLEY. Then the phraseology so frequently met with about the depleted condition of the appropriation does not apply to this appropriation.

Mr. WEEKS. Evidently there is sufficient money.

Mr. HAWLEY. Where is the fault, then?

Mr. WEEKS. Well, it is a long story. There has been an attempt to equalize the service of men in the Railway Mail Service. Some of them were working less hours than the general requirements of the department, and there have been changes in such cases. Possibly in some cases men have been taken from trains, and in other cases men have been added to trains where there was an insufficiency, but there has been a general taking up of slack. I want to make this comment: When the work of men is changed so that they are employed more hours than they have been, whatever the cause may have been, there is pretty sure to follow a complaint, even in cases where they were doing less work than the standard required.

I do not doubt there have been changes made which were not justified, and quite likely many changes have been made which were justified, but in any case there was sure to be more or less complaints, especially where men have, after completing a run or performing the duty which was assigned in the ordinary course, then been sidetracked to another route to make a run for a man who was sick or off duty for some reason when before that run had been made by a substitute. The reason why these changes have been made, as explained to the committee, has been that men who were shifted to do additional work had not performed the number of hours' service which the department required.

Mr. HAWLEY. The chairman will recognize, I think, that where a chronic condition exists like that I have mentioned

of mail going to a very large city unworked so very frequently, they had not as many clerks on the line as were necessary to properly do the work.

Mr. WEEKS. I will say if that is a fact, it is inexcusable.

Mr. HAWLEY. That has been stated to me by a very large number of business men and those who are familiar with the facts.

Mr. WEEKS. I have investigated some cases of that kind, and I have found the complaints were not warranted, but I have no reason to deny or doubt any statement made by the gentleman.

Mr. HITCHCOCK. I would like to ask the chairman of the committee what authority fixes the hours of labor of these railway mail clerks.

Mr. WEEKS. The general idea of the department has been that these men should be employed eight hours a day.

Mr. HITCHCOCK. There is no authority of law limiting or fixing the hours of labor?

Mr. WEEKS. None whatever.

Mr. HITCHCOCK. It has been a department regulation?

Mr. WEEKS. Yes.

Mr. HITCHCOCK. Now, can the gentleman state when this was changed?

Mr. WEEKS. It has not been changed now; at least it has not been purposely or intentionally changed. The purpose of the department in the past has been that these men should be actually employed in the service six hours and a half, leaving an hour and a half a day for the study of schemes and other purposes connected with their work, so that their time employed in the service should be eight hours a day; and it is not now the intention of the department that they shall be employed, on an average, more than eight hours a day.

Mr. HITCHCOCK. The gentleman is aware of the fact that a change has recently occurred which produced an uproar in all the Western States and which resulted in considerable delay in the mails and overwork in the force. Now, I would like to get at specifically when that change was made.

Mr. WEEKS. It has been underway about six months.

Mr. HITCHCOCK. Can the gentleman state what amount of saving has been secured by adding to the work of these men or reducing the size of the force?

Mr. WEEKS. It has been well stated in the question the gentleman from Missouri asked me. There has been no increase in the number of clerks employed in this service for six months; in fact, there were a few less clerks employed the 30th of November than the 30th of June last.

Mr. HITCHCOCK. I notice in the annual report of the Postmaster General that the average amount of time spent by those 14,418 men in the Railway Mail Service was 6 hours and 30 minutes a day in the car for the fiscal year ending last June. Now, is it proposed to increase the number of those hours under this new regulation?

Mr. WEEKS. Not materially; no, it is not.

Mr. HITCHCOCK. I want to state to the gentleman that out in the West it is said to be such a material increase in hours that the Railway Mail Service throughout the whole State of Nebraska, and I think Kansas and Minnesota, are in an uproar, and serious complaints at the present time are made about the clerks being compelled to work these extra hours, without any act of Congress, but simply by some administrative order, and who are also compelled to do the work of extra clerks who were formerly paid, and whenever any clerk becomes ill they are also compelled to do the work instead of a substitute, and there is a great deal of uproar in the West at this time. And I think the gentleman owes it to the House to state specifically exactly what it is proposed to do—whether the department proposes to continue this policy and, if so, how far it proposes to take it. I notice this bill authorizes appropriations in which there is an increase of about \$12,000,000 for the whole post-office service, and yet it is proposed to take this vital and important branch of the service and make a very material reduction in it, one which I believe will force resignations. I notice the percentage of resignations has been increasing materially, and I have not any hesitation in predicting that if this policy is continued as it has been started it is likely to result in more resignations and in crippling the service to a still greater extent. I am speaking not only for the mail clerks, but for the business men throughout the West, who do not like to have the mail service crippled in this way, and I think we should at least have a specific and careful statement of what is proposed.

Mr. WEEKS. That is what I propose to submit to the committee, but I wish to answer any questions that any Member has on this subject before I proceed.

Mr. MARTIN of South Dakota and Mr. CULLOP rose.

Mr. WEEKS. I yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. Do I understand the present bill, or the plan of administration on this subject, contemplates some increase in the present personnel of the Railway Mail Service?

Mr. WEEKS. It provides for 1,040 additional clerks.

Mr. MARTIN of South Dakota. More than are now in service?

Mr. WEEKS. More than now in service.

Mr. MARTIN of South Dakota. Is the purpose of the department, as the gentleman understands in his capacity as chairman, from now on to increase that service in view of giving relief in the line suggested?

Mr. WEEKS. Undoubtedly.

Mr. MARTIN of South Dakota. If the gentleman will indulge me, I may say after listening to this discussion the greatest difficulty in our part of the country apparently has not come from any reshaping of the system, but rather from a lack of sufficient help under the system that has been in operation. There is no "slack" to take up in our western service. In other words, the business has grown so rapidly that the department has not kept up with the pace by making the changes that are necessary.

Mr. WEEKS. I now yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Supplementing what the gentleman from Nebraska [Mr. HITCHCOCK] said, I will say that in Indiana there is a very strong and universal complaint about the overworking of these men by compelling them to work longer hours than men in other departments of labor are usually required to work. This complaint is well founded, and relief in some manner should be afforded them. What I want to know is if there is some provision being made by which these men will not be overworked or their labors multiplied by additional work put upon them.

Mr. WEEKS. I am prepared to explain to the committee what the department proposes to do in the future in this matter.

Mr. CULLOP. Certainly in my State the railway employees in the mail service desire something done, and immediately done, on that subject. It is only just to them that relief should be granted from the imposition now forced on them. They are employed in an important work. Much depends on its being efficiently performed, but if overworked, efficiency can not be expected.

It is my desire to see them have relief from their overwork, and I sincerely hope it will be secured, for the good of the public and the protection of the men who are employed in this branch of the public service.

Mr. ESCH. Will the gentleman yield?

Mr. WEEKS. I yield.

Mr. ESCH. I understood that you stated the department is trying to average the hours of service of railway mail clerks while on board runs approximating six hours and a half per day and allowing an hour and a half for study and making of schedules. Does not the department in administering that principle make any allowance for the delay in the arrival of trains by reason of storms, bad weather, bad tracks, washouts, and so forth?

Mr. WEEKS. Wherever it can be done, but I do not think it is always done.

Mr. ESCH. I understand from the department that no allowance is made whatever for such contingencies.

Mr. WEEKS. If they have the men, I think it is done, but it is not always done.

Mr. ESCH. In the Northwest, in the wintertime, the delay would amount to several hundred hours, and yet that is not taken into consideration in averaging the six hours and a half a day. Is the time used in unloading cars credited on the six hours and a half?

Mr. WEEKS. Yes, it is; and in distributing mail before the cars leave the stations. That is provided for in this item.

Mr. NYE rose.

Mr. WEEKS. I yield to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. If I understood the gentleman correctly, the bill allows for some four or five hundred clerks less than the bill of a year ago.

Mr. WEEKS. Four hundred clerks less than provided in the law for the current year.

Mr. NYE. If I may be permitted, Mr. Chairman, I will say that I do not expect to add anything to what has been said, but I would like to put into the RECORD two or three telegrams that I have received within the last 24 hours from my section of the

country, which seem to carry considerable alarm with them, and I think it is asserted that the service is being really impaired by reason of this so-called spasm of economy.

I would like to ask permission to put these telegrams in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS] yields to the gentleman from Minnesota to ask permission to insert certain matter in the RECORD. Is there objection?

There was no objection.

Following are the telegrams referred to:

MINNEAPOLIS, MINN., January 20, 1911.

HON. FRANK M. NYE,

House of Representatives, Washington, D. C.:

May we ask you to investigate the impairment of mail service in Minneapolis and the Northwest, because of reported conditions in the Railway Mail Service? Anything you can do toward bettering these conditions will be highly appreciated.

PUBLICITY CLUB,

By G. ROY CLARK, President.

MINNEAPOLIS, MINN., January 20, 1911.

HON. FRANK M. NYE,

House of Representatives, Washington, D. C.

DEAR SIR: Please investigate the existing condition of the Railway Mail Service clerks in Minneapolis and St. Paul districts; threaten to quit in a body unless recent obnoxious orders are rescinded.

Respectfully,

E. G. FALK,

President West Side Commercial Club.

ST. PAUL, MINN., January 20, 1911.

HON. FRANK NYE, Washington, D. C.:

At union meeting representatives of 5,000 Odd Fellows request me to wire you requesting immediate investigation of the Post Office Department why our brothers in the postal railway service are being oppressed at this time. We suggest if economy is needed start same at Washington and not with the men doing work on the road; but by all means come to the aid of these men at once.

WM. A. CAMPBELL.

Mr. NYE. Mr. Chairman, if I may be permitted one further word, I want to say that this effort on the part of the public, it seems to me, as well as the employees of the Government, to have an investigation made to determine whether the department was not making a mistake has been so strenuous upon me and I have given it so much consideration that I am really impressed with the belief that this effort to "take up the slack," as they say, is already resulting in the injury and impairment of this great service.

I want to say, Mr. Chairman, that I believe that this Government, honestly and wisely administered, can afford to pay its public servants and its employees well and generously. You may almost compare this Railway Mail Service with the eyes in the human body. Without it the service would be paralyzed and walk in the dark.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. NYE. I move to strike out the last four words.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired, and the gentleman from Minnesota moves to strike out the last four words.

Mr. NYE. Only just a word. There is, I know, a constant strain upon the brain and nerve of this great class of employees which wears them out rapidly. Their hours at best are irregular and their employment perilous; and I think that this Government ought to take special care that these men receive justice in this matter. I believe in economy, but it is conceded here that this bill provides for some 400 less clerks than the bill of last year, and it reduces, I think, the aggregate appropriation from last year. Notwithstanding the fact that the country is growing as it has never grown before, growing beyond the dreams of men, and the mass of mail increasing constantly. I could give figures, if I had the time, as to the run between Chicago, Minneapolis, and St. Paul, and show the overburdened condition, I think, of the men who work on those runs, and the tons of mail which in the last 40 days, including the holidays, of course, that have not been worked. I believe that we are warranted as the representatives of the public in bringing some pressure to bear at least upon the department to see that greater liberality is enforced in respect to these men.

Mr. MICHAEL E. DRISCOLL. I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 22, line 15, after the word "dollars," insert "that the men now employed in the Railway Mail Service known as porters be made regular clerks, and assigned to class 1, at a salary of \$800 a year."

Mr. WEEKS. I reserve the point of order on that.

Mr. NORRIS. I would like to call the gentleman's attention to the fact that the word "dollars" that he puts his amend-

ment after has gone out of the bill on a point of order. All after the word "dollars" in line 11 is stricken out.

Mr. BORLAND. I rise for the purpose of asking the gentleman if he will not withhold his amendment until after the chairman of the committee has made his statement.

Mr. MICHAEL E. DRISCOLL. I withhold that amendment.

The CHAIRMAN. Does the Chair understand the gentleman to withdraw his amendment?

Mr. MICHAEL E. DRISCOLL. For the present.

The CHAIRMAN. Without objection, the amendment is withdrawn for the present, and the Chair recognizes the gentleman from Massachusetts.

Mr. WEEKS. Mr. Chairman, I would like sufficient time allowed me to make this brief statement. I wish to ask the Clerk to read some letters.

Mr. BORLAND. I ask that the gentleman be allowed—how much? Ten minutes?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Massachusetts may be allowed to proceed—how long?

Mr. BORLAND. To conclude his remarks.

The CHAIRMAN. To conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WEEKS. I yield to my colleague from Massachusetts for a question.

Mr. MITCHELL. Mr. Chairman, I think it is apropos, before the gentleman makes his statement, to call his attention, as it has been called to my attention, and evidently has been called to his, of the same condition as that described by the gentleman from Nebraska and the gentleman from Indiana, with reference to the uproar that has been raised in their States with reference to the Railway Mail Service.

In my own district in Massachusetts a similar condition of affairs has been called to my attention, and the press of the State, including the Springfield Republican, the Boston Traveller, and the Boston Globe, have described exactly the same conditions that these gentlemen have described. I think it is due to the citizens of our State that the gentleman should also incorporate in his remarks a statement of what remedy the department proposes.

Mr. WEEKS. Mr. Chairman, in referring to the remarks made by the gentleman from Missouri, I stated that the complaints did not all originate in the West or Southwest, but that they were universal. Now, the Post Office Committee is not unmindful of the fact that general complaints have arisen in this service on account of an attempt at what the department terms a taking up of slack, a changing of the number of men employed on some trains, by increasing the number, perhaps, on some and certainly decreasing it on others. For that reason men have been employed more hours during the last six months—at least many men have been—than they were before, and that has naturally created prejudice and complaint. Some of that complaint may be justified. Very much of it, in my judgment, is not justified. For instance, I have investigated personally some cases where it has been complained that mail was not distributed during the Christmas holidays, and I find on investigation that the mail was never better distributed in those places than this year. In the Boston post office, for instance, the postmaster has stated that not for 20 years was the mail as well cleaned up the night before Christmas as it was this year. In another post office in a large city the postmaster stated to me that every ounce of mail was distributed at half past 9 the night before Christmas. There was a little delay in the New York post office, very largely due to the fact that three steamers came in the day before Christmas, bringing 1,200 sacks of mail, an unusually large amount, which with the Christmas distribution did create some little delay.

But during the past three months the chairman of this committee especially has been receiving complaints from all over the country about this matter, and I have taken it up with the department, not only during the hearings, but at other times. It is almost impossible for Congress to determine whether a man in any service is working more hours or less hours than he should work. We are not an administrative body. We hear these complaints, and we have no method of determining whether they are just or not. I have taken occasion to ride in railway mail cars occasionally since I have been chairman of this committee, and I have investigated in other ways the amount of work performed by the men. In some cases they work practically all the time between the terminals. In other cases they only work a portion of the time between terminals. I have no doubt that there are cases where men work perhaps harder than they should, and I have suggested to the department several times that in such cases, and have also suggested to the men, that in such cases a com-

plaint should be made to the department and an inspector or divisional superintendent should be put on that train and travel long enough upon it to find out whether those men were overworked or not. That is the only practical way of determining this question. We can not make a general rule which will apply to 15,000 or 20,000 men, but by routes we can determine whether there is more work on a particular route than the men employed on it are able to do within proper limits of hours and other conditions. Therefore I suggested some time ago to the officers of the Railway Mail Service that they should put such complaints as they had in form and submit them to the Second Assistant Postmaster General, in whose department this matter rests, and that he should reply in detail, defining and outlining what the course of the department would be.

I have before me not only the statement of the Second Assistant Postmaster General, but of the Superintendent of the Railway Mail Service, and also of Mr. Canfield, the president of the Association of Railway Mail Clerks. The dissatisfaction which has been referred to was somewhat emphasized by the gentleman from Nebraska [Mr. HITCHCOCK], in calling attention to the number of resignations, which are somewhat larger than they were last year—not to an alarming extent, but perhaps there are 25 or 30 per cent more resignations each month than there were in the corresponding months last year, which would indicate, perhaps, that there is an unusual amount of dissatisfaction.

Now, Mr. Chairman, I ask that the Clerk read the letters which I have referred to in this statement.

Mr. GOOD. Mr. Chairman, I would like to ask the gentleman if there is not a regulation forbidding any railway mail clerk making complaint to Members of Congress.

Mr. WEEKS. There is such a rule, but the clerks have not been without friends. The statements by gentlemen on the floor would indicate that complaints have been made.

Mr. BORLAND. But these were called for by the committee.

Mr. WEEKS. This was called to the attention of the committee, and the department has asked the president of the Railway Mail Service Association to make a statement.

Mr. GOOD. Is it not a fact that the rule forbids these clerks from complaining to Members of Congress or a Member of Congress from their own district that they live in?

Mr. WEEKS. It does.

Mr. GOOD. And the penalty means their discharge from the service?

Mr. WEEKS. That rule does not forbid a clerk making a complaint to his divisional superintendent or to the superintendent of the Railway Mail Service or to the Postmaster General.

Mr. GOOD. Yes; but if they make a complaint to their Member of Congress or to this body they incur a penalty of discharge from the service.

Mr. WEEKS. We have had plenty of evidence here that there are plenty of friends of the railway post-office clerk on the floor of the House.

Mr. CULLOP. Yes; but the gentleman from Massachusetts will remember that the names of the complainants have not been revealed.

Mr. WEEKS. That is not necessary; we admit the complaints.

Mr. MACON. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question.

Mr. WEEKS. I will yield to the gentleman.

Mr. MACON. Does the gentleman from Massachusetts know who owns the publication at Denver called the Harpoon?

Mr. WEEKS. I am told that the editor of the Harpoon is a discharged postal employee.

Mr. MACON. I know that the clerks have a friend in that publication.

Mr. WEEKS. It assumes to be one of the organs of the railway post-office clerks, but the officers of that association deny that it is the organ of their association. Now, Mr. Chairman, I would like to have those letters read, and I would like to have the attention of every member of the committee, because they cover the whole subject.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, December 16, 1910.

Mr. J. T. CANFIELD,
President Railway Mail Association, Syracuse, N. Y.

MY DEAR SIR: You are requested to submit to me at the earliest date practicable any statement or representation which you may deem suitable information to bring to the attention of the department regarding the practical effects of the department's efforts to take up the slack in the Railway Mail Service and to equalize as far as practicable the hours of work of the clerks. I wish as full and unreserved statement as you and your associates desire to submit.

Very truly, yours,

JOSEPH STEWART,
Second Assistant Postmaster General.

RAILWAY MAIL ASSOCIATION,
OFFICE OF THE PRESIDENT,
Syracuse, N. Y., December 31, 1910.

Hon. JOSEPH STEWART,
Second Assistant Postmaster General, Washington, D. C.

MY DEAR SIR: In compliance with your request of December 16 for a full and unreserved statement from myself and associates in the service as to what we believe will be the practical effects of "taking up the slack" in the Railway Mail Service, I called together the principal officers of the Railway Mail Association for consultation, and we submit the following as our judgment on the question. I may add that in arriving at this conclusion we have striven to be fair and unprejudiced, to look at the question from all sides, and to render an honest opinion, unbiased by personal interest:

There is no doubt that some duplicate and unnecessary work has gradually crept into the service which can be eliminated without injury to anyone; also that other conditions have arisen at some points which might be remedied without detriment to the service.

In the instructions given to division superintendents in the order to "take up the slack" we understand that clerks on road duty are required to work nearly, if not quite, six and one-half hours each working day in the year or the equivalent thereof. This asks for 2,024 hours per year road duty and does not include emergency work nor delayed trains; and if the actual time consumed in our many other necessary duties is added, such as study, correcting schemes of distribution, preparing slips or labels which are used to indicate the destination of the mail, checking up and keeping proper records of registered mail and pouches, and other duties, the number of hours annually will be over 2,500. This, in comparison with the yearly number of hours put in by railroad employees on mail trains—who are paid for overtime—and also required of clerks in Government departments, is greatly in excess of either of them, which is about 1,900 hours.

It is a fact that a large majority of the men on road duty have not been making these hours, and various expedients have been employed to make the order effective, such as discontinuing the use of acting or substitute clerks used in place of regular clerks on leave because of injuries received, vacancies caused by dismissals, deaths and resignations, absent on vacation or for some other cause, and using clerks for these duties during their lay-off periods. On some lines part of the clerks have been taken off to be used elsewhere and the remainder ordered to run two weeks on duty and one week off duty, instead of the week on and week off, as formerly.

This service is peculiar in that it is practically impossible to lay down a hard and fast rule as to hours of work, because of difference in volume of mail on different lines, of difference in distance between what are considered advantageous terminals, difference in speed of trains, sometimes on the same railroad, frequency of connections, and for numerous other reasons. It is essential therefore that there must be some flexibility in the matter of hours, and with a fair minimum and maximum once established there would be as near a condition of equality as it is possible to attain.

Now, what is a fair minimum and maximum? Taking into consideration the abnormal mental and physical strain of working on trains running at high speed, of the striving to complete distribution before arriving at terminals or junctions, the irregularity of working hours, rest periods, and meals, the hazard, the volume of mail, the density of population, the never-ending study, the examination record on location of post offices of 99.01 per cent correct, the low-error record of one piece of mail sent wrong in 11,941 pieces handled, the generally high efficiency necessary to perform good service. What is fair?

In our judgment a minimum of five hours and a maximum of seven hours road duty for each of the 313 working days in the year is as near a standard as conditions will allow. With this minimum and maximum the equalization of hours will be nearly reached in the end, as a clerk who is on a long-hour train or line will be likely to reach the shorter one eventually, because on entering the service he is usually assigned to the trains with the maximum hours, and is reassigned more or less frequently, finally reaching the trains with or near the minimum number of hours.

As to the practical effect on the service at present of this order to "take up the slack," it is lowering the efficiency of the clerks every day; they do not work so hard because of this lengthening of hours, nor do they accomplish more than under the former reasonable organization; they are losing their keen interest in helping make and maintain a good service; they do not have the time or inclination to study which they formerly had, and their frame of mind is deplorable; they are discouraged and are fast becoming demoralized.

It is an indisputable fact that under the former arrangement the best service of its kind in the world has been built up, and it is a reasonable proposition, if this character of service is to be maintained, that no considerable departure can be had from the circumstances and conditions which are directly responsible for the attainment of the efficiency referred to.

Many instances can be given where division officials have made clerks work to the limit of human endurance during the past month, presumably under the cloak of this "order," and this statement is made advisedly.

Of course the slack should be taken out where there is any to take out without detriment to the service or injury to the men, but the present rule of a minimum of six and one-half hours daily is injuring the service and the men, because it is lessening the efficiency of the men who are the bone and sinew of this splendid service.

Respectfully, yours,

J. T. CANFIELD, President.

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, January 17, 1911.

The honorable the POSTMASTER GENERAL.

SIR: Forwarded herewith is a letter from Mr. J. T. Canfield, president Railway Mail Association, setting forth the views of himself and his associates relative to the hours of service that should be required of railway postal clerks, in response to a letter from me, a copy of which accompanies it.

This letter has reference to action that has been taken by the department during the last few months to secure greater uniformity in the average hours of work a day by such clerks.

The matter presented by Mr. Canfield involves the question as to what constitutes a fair average day's work.

Owing to the peculiar character of the Railway Mail Service, it is impossible to fix a certain number of hours that every railway postal clerk shall work every working day. There must be sufficient elasticity in the service to adapt it to the varying conditions of operating trains.

On some trains a clerk must remain on duty such a number of consecutive hours as would amount to more than a fair day's work, and he must be allowed alternating periods off duty for rest and study. The runs should be so arranged that the average number of hours a day shall not be excessive. This average is arrived at for the various assignments of runs by dividing the total number of week days falling within a work period and a rest period into the number of hours the clerk is on duty while on the train or at the terminal during his working period. The basis for the average is the number of week days, which puts the work of all clerks who work every day, including Sunday, and all who work during the week days only on a common basis.

It has not been thought by officers of the department that as a general standard an average of six and a half hours a day on the basis of a six-day week—giving credit for any work performed on Sunday—could be considered excessive. This allows a clerk an average of one and a half hours a week day in which to study the schemes of distribution, correct his records, and attend to reports and correspondence, without exceeding the eight hours which, in the general commercial world, are regarded as a fair day's work. It is well understood that a certain fixed standard can not be applied to every run. Consideration must be given to the varying conditions as to length of run, speed of train, amount of mail to be distributed, density of population, celerity of work, etc.

There are 14,483 railway postal clerks assigned to road duty. The total average of time on duty on trains and at terminals is 6 hours and 33 minutes, but the hours of work on the various lines range from below five to above nine hours, as will be seen by the following table:

	Number of clerks.
Under 5 hours-----	552
From 5 hours to 5½ hours-----	1,447
From 5½ hours to 6 hours-----	2,199
From 6 hours to 6½ hours-----	2,887
From 6½ hours to 7 hours-----	3,012
From 7 hours to 7½ hours-----	2,105
From 7½ hours to 8 hours-----	1,079
From 8 hours to 8½ hours-----	640
From 8½ hours to 9 hours-----	295
Over 9 hours-----	267

General average for the 14,483 clerks, 6 hours and 33 minutes.

There is ample justification for a longer or shorter average number of hours of duty on some runs than on others. In some cases six and one-half hours may be too high. On other runs more than that is not burdensome. Of the 14,483 railway postal clerks now assigned to road duty, the average hours of work a day of 10,203 clerks range from five and one-half to seven and one-half.

These figures represent the conditions as they have existed for several years, and under which the service has attained the present high state of efficiency. The action taken by the department during the past few months has not been for the purpose of revolutionizing the service or imposing a hardship upon any of the clerks, but to bring up to a reasonable and proper standard the hours of duty of clerks on lines where the average was unusually low, and to reduce the hours of duty where they seemed to be excessive; to cut down the number of clerks in a crew where there seemed to be more than the amount of mail to be worked justified; to increase the number where the present force are unable to complete the distribution. In some cases this is accomplished by cutting out or adding a crew, in others we have increased the average by requiring the clerks to keep up all runs made vacant by resignation, death, leave of absence, etc. Probably the fact that these changes were inaugurated just before the heavy holiday season, when the clerks are always compelled to do more or less extra work, caused those clerks whose hours of duty were increased to think that more was being required of them than was reasonable or right, but if they compare their condition with that of clerks on other lines they will see that such is not the case.

The work on all lines is heavy during the holiday season, and clerks are called upon to perform an amount of work which, if continued during the year, would be unreasonable.

There has really been no change in the standard of hours of duty required of the clerks. Five hours and a half a day for runs where the clerks have half time off and run on Sundays has been the standard for many years. In order to make the method of figuring the average hours of duty uniform for clerks who run seven days a week and those who did not run on Sunday, the standard for the daily runs was fixed at six and a half hours, and six days a week was taken as a basis for figuring instead of seven. As has been stated, on lines where the work is continuous in both directions, the average of hours of duty has always been below the standard and will continue to be. Where hours have been increased it is thought that no hardship resulted. On the other hand, where cases were found in which the hours were excessive, an effort has been made to provide relief.

There is no doubt that these efforts of the department to bring about a proper readjustment in these cases has resulted in considerable dissatisfaction among the clerks. I have endeavored to ascertain as near as possible the exact causes for this and to take steps to remove them wherever practicable without sacrificing the proper object in view. There is a general recognition of the fact that if clerks are not giving the proper number of hours of work the matter should be readjusted, if practicable. There will, however, naturally be objection on the part of some clerks to orders which require more hours of work than they have been giving. Aside from this I learn that uneasiness exists in the service as to the extent of changes contemplated, and there is dissatisfaction with some of the means employed to increase the hours, such as calling the men out for extra duty in cases where clerks are absent on leave or absent because injured.

Appropriate steps have been taken to remove all cause of complaint as far as practicable; first, by giving the clerks full credit for all the work done on the road or at terminals, for time in putting off the mails, the delivery of registered matter, the going to the post office to sign on and off duty, and the preparation in the car of trip reports where it is impracticable to prepare them en route; also to give due consideration to the extra duty performed at Christmas and other times of emergency. Furthermore, orders have been issued that acting clerks shall be employed to fill vacancies pending appointments or transfer and in lieu of clerks injured on duty and clerks absent on leave in all cases where the average hours of work approximate what is considered fair for the line or run affected. These directions give the clerk credit for all claims that can reasonably be made for work performed and will not require ordering them out to keep up runs under the uncertain circumstances indicated in the cases mentioned. It will leave the readjustment of hours to be accomplished by means which will be regular in their oper-

ation and upon which the clerk can depend. In this connection I beg leave to call attention to my letter of January 16, 1911, to the general superintendent of Railway Mail Service, giving these specific directions.

The claim of Mr. Canfield with reference to what is a fair minimum and maximum of hours can not be conceded by the department for the reason that they are placed too low, as shown by the facts hereinbefore set forth. It is not thought necessary to go into a discussion of a comparison of the hours of railway postal clerks with the hours of departmental employees further than to say that the hours of the latter, as mentioned by Mr. Canfield, are much too low for the regular employment and take no account of the large amount of extra time contributed.

With reference to the claim that the effect of the order to take up the slack is lowering the efficiency of the service, I am of the opinion that the efficiency of the service as a whole has not been impaired, and that such dissatisfaction as exists will largely, if not entirely, disappear when the clerks understand what is expected—that there is no purpose whatever of imposing a hardship upon them, and that where conditions exist which result in hardship they will be promptly removed by the department. As stated above, the recent instructions given will, I believe, remove cause for complaint.

Regarding the statement that division officials have used the order to overwork the clerks, I will say that I have no information nor intimation whatever that such is the case, but will make proper inquiry as to the alleged facts and take appropriate action with reference thereto if found to exist.

Very respectfully,

JOSEPH STEWART,
Second Assistant Postmaster General.

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, January 16, 1911.

Mr. ALEXANDER GRANT,
General Superintendent Division of Railway Mail Service.

SIR: Regarding the recent orders to take up the slack in the Railway Mail Service, I have to advise you that the Postmaster General desires it understood that it is his wish to require from railway postal clerks only a fair day's work, and he does not desire that any hardship be imposed upon the clerks or that the service should in any respect be impaired.

Directions which I have given with respect to carrying out this purpose have been intended to effect an equalization of the hours of work of the clerks on lines on a uniform basis as far as practicable. It is our present opinion that a minimum daily average of six and a half hours' road duty should be required generally, but that exceptional cases should be considered upon their merits, and these are cases where a less number than this is warranted. It is believed that generally where the hours average much lower than this the clerks themselves will readily see the justice both to the department and to the body of clerks, as a whole, of readjusting them upon a more equitable basis. This principle is generally recognized throughout the service.

Notwithstanding this there has been considerable dissatisfaction among the clerks who have been called upon to make additional runs to bring up their daily average of runs, and some among clerks who have in no wise been affected. I have endeavored to ascertain the causes of this dissatisfaction other than the direct objection to a change in the status of the clerks which requires additional time and labor, in order that they may be removed, if practicable. It appears that there is a general uneasiness in the minds of the clerks, because they are uncertain as to what is definitely expected, and there is dissatisfaction among those affected by the recent orders, because they have been required to keep up the runs to fill vacancies pending appointment or transfer and on account of absence of clerks injured on duty and away on leave, in cases where the average hours of work have been regarded as below the required average. These requirements have created dissatisfaction apparently because of their uncertainty.

It is desired by the Postmaster General that all these unnecessary causes of dissatisfaction be removed and that the clerks be given the fullest credit for the work they are doing. To this end the recent instructions given you will be followed, with the following qualifications, namely:

In estimating the daily average hours of duty full credit should be given for the regular hours upon the run and the advance distribution performed at terminal where ordered, the time employed after the run is completed in distribution, and in other work, such as the putting off of mail, the delivery of registered matter, the going to the post-office to sign on or off duty, and the preparation in the car of trip reports by the clerk in charge, where it is impracticable to prepare them en route. In addition to this, proper consideration should be given to extra duty performed at Christmas and other times of emergency.

Where the average hours of clerks approximate what is considered fair for the line or run affected superintendents are authorized to employ acting clerks to fill vacancies pending appointment or transfer and in place of clerks injured on duty and those absent on leave.

Where the hours of duty are excessive and the conditions work a hardship upon the clerks additional help will be given to bring the average hours down approximately to the standard fixed.

It should be borne in mind that where, because of a readjustment made of the work, it appears that there are more clerks than are needed on a run such clerks will not be dropped from the service, but will be held to fill vacancies that may occur and to which appointments must be made.

It is also desired to be understood that where the conditions on a run have been adjusted and are not subject to immediate change the usual organization will be maintained and promotions will be made as vacancies occur.

You are directed to make these instructions known in general orders, so that the clerks may be fully advised that only a fair day's work is expected and that no unnecessary hardship will be imposed in adjusting runs.

Very respectfully,

JOSEPH STEWART,
Second Assistant Postmaster General.

Mr. MARTIN of South Dakota. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question. I have listened to the entire reading of these letters, and they seem to be, first, a criticism by the president of the Postal Clerks' Association of the department for its efforts toward taking up the slack, and, secondly, a justification by the Postmaster Gen-

eral, and, thirdly, some additional instructions to the Chief of the Railway Mail Division.

I was not able from the reading to understand that any suggestion or provision is made in this correspondence for what should be a maximum day. It is stated by the Postmaster General that six and one-half hours would be considered a minimum. Is there any provision proposed as to what is a maximum—as to what a man should not be required to work beyond without compensation?

Mr. WEEKS. I think it is the purpose of the department that six and one-half hours shall be the minimum, and, as nearly as practicable, a maximum also. I think it is absolutely impracticable to prescribe a definite maximum, on account of conditions that obtain in the service.

Mr. MARTIN of South Dakota. Of course in the arrangement of each run a clerk has a period of each week in which he is expected to be on duty and a certain other period as a lay off. Is there any just reason, if a clerk performs the full period of labor, as required under the schedule, and then shall be compelled to do extra work in his lay-off period, that he shall not be compensated therefor?

Mr. WEEKS. In the statement made by the Second Assistant Postmaster General in directions to be sent to the men in the service, I understand that it is stated that hereafter men who perform service on a definite run shall not be taken and used on some other service during their lay-off period, or naturally when they would have their lay off.

Mr. MARTIN of South Dakota. But say they are required to work on the same division or run, and upon different times covering portions of the lay-off period, is it expected that they shall not be compensated therefor?

Mr. WEEKS. Practically speaking, the runs are so regular that, except in cases of trains being delayed, I do not think that would be usual. One of the complaints that has most appealed to me is the complaint as to irregular service; that a man, during the time he was naturally supposed to be laid off, has been required to perform additional duties, so that he could not be sure when he would have time off. I think that is a legitimate complaint, and it is definitely stipulated that it shall be done away with in future, as least as far as possible.

Mr. MARTIN of South Dakota. I understood the chairman to state heretofore that the amount appropriated here will be ample provision, so far as the appropriation is concerned, for all required increase in the service in the coming fiscal year, in his judgment.

Mr. WEEKS. I have no doubt about that.

Mr. HUGHES of West Virginia. Mr. Chairman, in this bill does it reduce the number of railway mail clerks?

Mr. WEEKS. It does not reduce the number, but it reduces the authorization 404. It provides for 1,040 clerks for the next year, or for the balance of this year and next year.

Mr. HULL of Iowa. Then they had more authorization last year than they appointed?

Mr. WEEKS. Yes.

Mr. HULL of Iowa. On the ground that they did not need them?

Mr. WEEKS. Yes.

Mr. HULL of Iowa. They had the power to do it?

Mr. WEEKS. They had the power to do it, but did not do it.

Mr. HUGHES of West Virginia. Why is it necessary to reduce the authorization in this bill? Is it on account of having these clerks do extra work that you will not need so many?

Mr. WEEKS. No; because it is believed that provision for 1,040 clerks is sufficient for the service until the end of 1912, or the fiscal year 1912.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question. What is the real number of the reduction in this department provided for here?

Mr. WEEKS. The provision for next year is 404 less than for this year.

Mr. CULLOP. In the Railway Mail Service?

Mr. WEEKS. In the Railway Mail Service; but the provision for the next year will make possible the appointing of 1,040 clerks between the 1st of December just past and the 30th of June of next year.

Mr. CULLOP. What is the cause of those complaints?

Mr. WEEKS. The development of the service. The volume of business increases about 6 or 7 per cent a year. Now, if there are 12,000 men engaged in this service and the volume of business increases 7 per cent, we may suppose that the necessary force to handle that business would increase not exceeding 7 per cent. If that were true, it would take not more than 840 men, and we have provided for 1,040 men.

Mr. CULLOP. The gentleman says that the increase this year is anticipated in the postal business to be 7 per cent?

Mr. WEEKS. Well, that has been the average increase in the postal business for 10 years. The average increase in the volume of business has been about 7 per cent.

Mr. CULLOP. During the entire 10 years?

Mr. WEEKS. That is substantially correct.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish now to renew my motion to amend, and wish to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

On page 22, line 13, after the word "sum," insert:

"That the men now employed in the Railway Mail Service known as porters be made regular clerks and assigned to class I at a salary of \$800 a year."

Mr. WEEKS. I make the point of order against that, Mr. Chairman.

Mr. MICHAEL E. DRISCOLL. I ask the gentleman to reserve it.

Mr. WEEKS. I will reserve it if the gentleman desires to make a statement.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I was in hopes that the chairman of the committee would not make the point of order, and it strikes me that the merits of this proposition are so clear and so fair that if they are fully understood no one will really feel bound to insist upon the point of order. These are the facts in reference to these 12 men, and there are only 12 men now in the service who are known as porters and whom this amendment proposes to make clerks. They were employed about 20 years or more ago as porters. Although the name might not indicate it, they are all white men. They were then employed to do the rough work, to handle baggage, and so forth, but it was found very soon that they were not needed to do that work.

Therefore the department discontinued hiring any more of these men who were called porters. None of these men or men in this class has been employed for the last 17 years. Some of them who did not take readily to the distribution and working of the mail as the clerks did were dismissed and laid off. Others who took to the distribution of the mail handily and became efficient clerks, although under the name of porters, were allowed to remain in the service, and these 12 men whom I ask to have put in at the lowest grade, at \$800 a year as clerks, have been in the service for upward of 17 years. During those 17 years they have received only \$700 a year, when other men coming in as clerks were promoted along up and got high salaries, whereas during all that time these 12 men have worked side by side with the railway mail clerks and did as much work as many of them. Why were not they promoted and made clerks years ago? First, I suppose they were not very well educated in books, and, secondly, no man can take an examination for a position in the classified service if he is over 35 years of age.

Several years ago when this question was brought to my notice the men I knew and who were in this list were over 35 years of age, and therefore not permitted to take the civil-service examination or to be received into the classified service, therefore they have been in this anomalous position all that time. They are men there doing the work of clerks. They are doing as much work as many of the clerks. They are under the name of porters, and they get only \$700 a year, and because of their age they can not be made clerks in any possible way I know of except by the action of this House. Now, they have worked many years as clerks for less wages than any other men and have done the same kind of service. They have been an absolute benefit to the service; that is, it has been the most economical work the department has had. Now, I ask the chairman, and I ask every other gentleman here, not to raise the point of order or insist upon it against this proposed amendment. Two years ago I offered the amendment and one gentleman made the point of order and insisted upon it. Mr. Overstreet at that time was very anxious to have this allowed, and he stated it here on the floor of the House, and I hope that the present chairman will be as fair and generous as Mr. Overstreet tried to be.

The CHAIRMAN. Does the gentleman from Massachusetts insist upon the point of order?

Mr. WEEKS. I wish to make a statement before I make the point of order which I am going to make to this amendment. These men have been in the service a long time, as the gentleman from New York has stated, but there is a great difference in their qualifications, and there is not a substantial reason for taking them into the grade of railway mail clerks

where they would be promoted, in the same manner as the men who entered the service after the usual examination. Furthermore there is no recommendation of the department to do this. On the contrary, the department, when interrogated, has stated that they did not believe it was wise to make the change which the gentleman suggests in his amendment; and therefore I make the point of order against it—that it changes existing law.

The CHAIRMAN. The point of order is sustained.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add, after the word "dollars," in line 12, page 22, the following:

"Provided, That no part thereof shall be expended in paying the salary of said railway mail clerks who are required to perform in excess of 39 hours' duty in any week."

Mr. WEEKS. Mr. Chairman, I reserve the point of order against that. I would like to ask if there are other gentlemen who have amendments to offer to this paragraph along that line or similar thereto.

Mr. MARTIN of South Dakota. Mr. Chairman, I have an amendment to offer. I ask unanimous consent to offer this amendment and have it considered as pending, as the chairman desires to move to rise, during the adjournment.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to offer an amendment, to be read and considered as pending.

Mr. HAWLEY. I make the same request.

Mr. GOOD. I make the same request.

Mr. STAFFORD. The understanding is that they are to be read for the information of the House or to be considered as pending.

Mr. WEEKS. It is understood that they are to be read for information.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk will first report the amendment offered by the gentleman from South Dakota [Mr. MARTIN].

The Clerk read as follows:

After the word "dollars," line 11, page 22, insert:

"Provided, That whenever railway postal clerks shall be required to perform extra duty on their regular lay-off periods they shall be allowed compensation therefor."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order. The Clerk will now report the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The Clerk read as follows:

After the word "dollars," on page 22, line 11, insert the following:

"Provided, That the Postmaster General in all cases where the mails reach their destination unworked, or the clerks in the Railway Mail Service are required to work overtime, shall cause such additional clerks to be assigned as may be necessary."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS] also reserves a point of order on this amendment. The Clerk will now report the amendment offered by the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

Add after the word "dollars," line 11, page 22:

"Provided, That no part thereof shall be used in paying the salary of railway mail clerks who are reduced in salary by reason of the substitution of 30-foot mail cars for 40-foot cars."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on that.

Now, Mr. Chairman, I will answer a question which the gentleman from Michigan [Mr. SMITH] wishes to ask, and then I am going to move that the committee rise.

Mr. SMITH of Michigan. This is a question I am frequently asked, and I would like to have the chairman of the committee answer it. Rural carriers, of course, have to furnish horses, harness, and some conveyance with which to do their business; why are they not entitled to the same salary as city carriers?

Mr. WEEKS. Mr. Chairman, it would take me an hour to answer that question.

Mr. SMITH of Michigan. We have the time.

Mr. WEEKS. I am going to move to rise very soon.

Mr. SMITH of Michigan. Will you answer it at some future time?

Mr. WEEKS. I will answer it when we come to that in the bill.

Mr. COX of Indiana. Mr. Chairman, before the gentleman from Massachusetts [Mr. WEEKS] makes a motion that the committee rise I want to ask unanimous consent to have printed in the Record and have it pending an amendment to the railway

post-office car service provision, on page 21, which was passed over to-day.

Mr. WEEKS. Mr. Chairman, I am perfectly willing that that shall be done.

The CHAIRMAN. Will the gentleman again state his request?

Mr. COX of Indiana. Mr. Chairman, I ask unanimous consent that the amendment which I am sending to the desk be printed in the Record, to be offered as an amendment to the paragraph on page 21 when we return to it.

Mr. WEEKS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The proposed amendment is as follows:

That hereafter all railway postal cars shall be built and constructed under the supervision and direction of the Postmaster General, and all such railway postal cars shall be built and constructed out of steel: *Provided, however,* That one-fourth of said railway postal cars shall be so built and constructed by January 1, 1912, and one-fourth shall be built and constructed by January 1, 1913, and one-fourth shall be built and constructed by January 1, 1914, and the remaining one-fourth shall be built and constructed by January 1, 1915.

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. STEVENS of Minnesota, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Post Office appropriation bill (H. R. 31539), and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

RELIEF OF FAMILY OF SAMUELE BADOLATO.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 769), which was referred to the Committee on Claims and ordered to be printed:

To the Senate and House of Representatives:

I have approved the bill H. R. 23081, an act for the relief of the family of Samuele Badolato, who was killed in the course of his employment upon river and harbor improvement, new Lock and Dam No. 5, Monongahela River, West Brownsville, Pa., on April 1, 1909.

From the report made to me by the Acting Secretary of Commerce and Labor it appears that a claim for compensation in this case under the provisions of the act of May 30, 1908, was disapproved by the Department of Commerce and Labor solely because the affidavit of claim was not filed within the statutory period.

It further appears that since the act of Congress of May 30, 1908, went into effect, 21 other claims for compensation on account of death have been disapproved by the Department of Commerce and Labor because the required affidavit of claim was not filed within 90 days after death as required by section 4 of said act. In justice to these other claimants, whose claims have been disapproved for a reason similar to that in this case, I recommend that Congress pass a general act allowing all such claimants compensation, if their claims are otherwise meritorious, rather than provide relief for individual cases.

WM. H. TAFT.

THE WHITE HOUSE, January 20, 1911.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 10221. An act authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston; to the Committee on Immigration and Naturalization.

S. 9729. An act to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in Gass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910; to the Committee on the District of Columbia.

S. 9674. An act for the relief of James Henry Payne; to the Committee on Naval Affairs.

SPEAKER PRO TEMPORE FOR SUNDAY, JANUARY 22.

The SPEAKER designated the Hon. HENRY H. BINGHAM as Speaker pro tempore for Sunday, January 22, 1911.

ADJOURNMENT.

Mr. WEEKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 45 minutes p. m.), under the previous order, the House adjourned until to-morrow, Sunday, January 22, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a recommendation as to reconstruction of barge office in New York City (H. Doc. No. 1304); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a statement of refund of customs duties (H. Doc. No. 1305); to the Committee on Ways and Means and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting an abstract of emoluments of officers of the customs service during the fiscal year ended June 30, 1910 (H. Doc. No. 1306); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3494) for the relief of Edward Forbes Greene, reported the same without amendment, accompanied by a report (No. 1960), which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 6104) providing for the appointment of Commander Robert E. Peary a rear admiral in the Navy as an additional number in grade, and placing him upon the retired list, reported the same with amendment, accompanied by a report (No. 1961), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. FLOYD of Arkansas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 26792) for the relief of the surviving heirs of John Tankard, reported the same adversely, accompanied by a report (No. 1959), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 24293) granting a pension to Robert K. Lowry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26934) granting an increase of pension to Emeline C. Sewell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 30017) granting a pension to Anna Gewinner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 31004) granting an increase of pension to Benjamin P. Nye; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 31813) for the relief of Charles R. Van Houten; Committee on Military Affairs discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 31857) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907; to the Committee on Ways and Means.

By Mr. HOWELL of Utah: A bill (H. R. 31858) authorizing a survey to be made of Jordan River, Utah; to the Committee on Rivers and Harbors.

By Mr. SMITH of California: A bill (H. R. 31859) to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; to the Committee on Interstate and Foreign Commerce.

By Mr. LENROOT: A bill (H. R. 31860) permitting the building of a wagon and trolley car bridge across the St. Croix River between the States of Wisconsin and Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: A bill (H. R. 31861) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 31862) to amend sections 1 and 2 of the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands;" to the Committee on the Public Lands.

By Mr. POINDEXTER: A bill (H. R. 31863) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 274) for the erection of an American Indian memorial and museum building, Washington, D. C.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 31864) granting an increase of pension to Eli Ambers; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 31865) granting an increase of pension to Silas B. Shaner; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 31866) for the relief of Juan C. Jaramillo; to the Committee on Claims.

Also, a bill (H. R. 31867) granting an increase of pension to William J. Worden; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 31868) granting a pension to Sallie E. Burch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31869) granting an increase of pension to John Ford; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 31870) granting a pension to Dayton P. Harrington; to the Committee on Pensions.

By Mr. BURLEIGH: A bill (H. R. 31871) granting a pension to Emma F. Berry; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 31872) granting a pension to J. L. Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31873) granting a pension to P. J. Smith; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 31874) granting an increase of pension to Emma Price; to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 31875) granting an increase of pension to Tilson M. Sutherland; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 31876) granting an increase of pension to James Searight; to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 31877) granting an increase of pension to Samuel Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31878) granting an increase of pension to John L. McBeth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31879) granting an increase of pension to Andrew J. Hiller; to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 31880) granting an increase of pension to Harriet L. Nichols; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 31881) granting an increase of pension to Hiram Worrells; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 31882) granting an increase of pension to Joseph Campbell; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 31883) granting an increase of pension to William Blackburn; to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 31884) granting an increase of pension to Joseph M. Westwood; to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 31885) for the relief of Helen E. Boon, executrix of Maitland Boon, deceased; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 31886) for the relief of the legal representatives of William O'Bryant; to the Committee on War Claims.

Also, a bill (H. R. 31887) granting an increase of pension to Isaac Montgomery; to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 31888) granting an increase of pension to Phillip S. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31889) granting an increase of pension to James C. Haskins; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 31890) granting an increase of pension to John C. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31891) granting an increase of pension to Derrick Huck; to the Committee on Pensions.

Also, a bill (H. R. 31892) granting an increase of pension to Philander M. East; to the Committee on Invalid Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 31893) granting an increase of pension to George Hales; to the Committee on Invalid Pensions.

By Mr. MILLER of Minnesota: A bill (H. R. 31894) granting a pension to Ellen Weller; to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri (by request): A bill (H. R. 31895) for the relief of Ella M. Wheeler; to the Committee on Military Affairs.

By Mr. MURDOCK: A bill (H. R. 31896) granting an increase of pension to Thomas L. Story; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31897) granting an increase of pension to Abraham Mathey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31898) granting an increase of pension to Henry C. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31899) granting an increase of pension to Augustus Young; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 31900) granting an increase of pension to L. R. Young; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 31901) granting a pension to Susan C. Yates; to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 31902) to carry into effect the findings of the Court of Claims in the case of William Viers Bouie, administrator of estate of Elijah Thompson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 31903) granting an increase of pension to Almanzer W. Layton; to the Committee on Invalid Pensions.

By Mr. POINDEXTER: A bill (H. R. 31904) granting an increase of pension to Jacob M. Roberts; to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 31905) to carry into effect the findings of the Court of Claims in the case of Marie Josephine Le Sasser, administrator of estate of Francois Meullon, deceased; to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 31906) to carry into effect the findings of the Court of Claims in the case of Margaret J. Parks; to the Committee on War Claims.

Also, a bill (H. R. 31907) to carry into effect the findings of the Court of Claims in the case of the Decatur Lodge, No. 52, Independent Order of Odd Fellows, of Decatur, Ala.; to the Committee on War Claims.

By Mr. SMITH of Texas: A bill (H. R. 31908) granting a pension to Sallie L. Lipscomb; to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 31909) granting a pension to Maria Rath; to the Committee on Pensions.

Also, a bill (H. R. 31910) granting an increase of pension to Amos B. Watson; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 31911) granting a pension to T. H. Durham; to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 31912) for the correction of the military record of John Berrisford; to the Committee on Military Affairs.

By Mr. WICKLIFFE: A bill (H. R. 31913) to carry into effect the findings of the Court of Claims in the case of Estelle Landry, administratrix of estate of Joseph A. Landry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 31914) to carry into effect the findings of the Court of Claims in the case of Gertrude Nolasco; to the Committee on War Claims.

Also, a bill (H. R. 31915) to carry into effect the findings of the Court of Claims in the case of Adorea Honore, sole heir of Emile Honore, deceased; to the Committee on War Claims.

Also, a bill (H. R. 31916) to carry into effect the findings of the Court of Claims in the case of Antoine Decuir, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the senate of the State of Oregon, favoring San Francisco as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, memorial of the Legislature of the State of Washington, for increasing efficiency of the Life-Saving Service by retirement of members; to the Committee on Interstate and Foreign Commerce.

By Mr. ANSBERRY: Petition of business firms of New Bavaria, Ohio, favoring parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of R. E. Chapman and other merchants of Utica, N. Y., against the establishment of a local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Petition of journeymen stone cutters of St. Louis, Mo., for reduction of tax on colored oleomargarine; to the Committee on Agriculture.

By Mr. BURNETT: Petition of Alabama Live Stock Association, against separation of the Bureau of Animal Industry from the Department of Agriculture; to the Committee on Agriculture.

By Mr. CALDER: Petition of New York Branch of the National German-American Alliance, for bill (H. R. 9137) for monument at Germantown commemorating first German settlement in America; to the Committee on the Library.

Also, paper to accompany bill for relief of Emeline C. Sewell (previously referred to Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. CHAPMAN: Petition against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. CURRIER: Petition of W. D. Farnham and 14 other citizens of Antrim, N. H., against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. BARNHART: Petition of St. Joseph County (Ind.) Medical Society, favoring Mann medical bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of business men of Akron, Ind., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Paper to accompany bill for relief of James Searight; to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of Cerny & Lewis and 55 other citizens and firms of Iowa City, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DENBY: Petition of railroad porters and others, of Detroit, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. DODDS: Petition of citizens of Michigan, for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. ESCH: Petition of City Brewery, of Arcadia, Wis., against repeal of the duty on barley and barley malt; to the Committee on Ways and Means.

Also, petition of Katherine L. Van Wycke, for the Central Council of Philanthropies, Milwaukee, favoring a children's Federal bureau; to the Committee on Expenditures in the Interior Department.

By Mr. FLOYD of Arkansas: Petition of citizens of the third congressional district of Arkansas, against rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. FOELKER: Petition of Brooklyn (N. Y.) Engineers' Club, favoring section 4 of House bill 7117; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Rockford Brewing Co., against removal of duty on barley and barley malt; to the Committee on Ways and Means.

Also, petition of C. F. Henry Clothing Co. and others, of Rockford, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of Hiram Worrells; to the Committee on Invalid Pensions.

Also, petition of executive committee of the Illinois and Chicago Civil Service Reform Association, for extension of the merit system to all; to the Committee on Reform in the Civil Service.

Also, petition of Chester Rystrom, of Rockford, Ill., against the Mann health-service bill, H. R. 30292; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Waltham Watch Co., favoring San Francisco as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. GARDNER of New Jersey: Petition secured by John F. Knapp for oyster planters and dealers in the United States,

asking for suspension of decisions Nos. 110 and 121 under the pure-food law; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Texas: Petition for a rural parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Italian colony of Laredo, Tex., and others, favoring bill by Mr. Henry of Texas, making October 12 of each year a public holiday to be known as "Columbus Day;" to the Committee on the Judiciary.

By Mr. GILL: Petition of Lanner & Felter, hardware merchants, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Paper to accompany bill for relief of William W. Brown; to the Committee on Invalid Pensions.

By Mr. GRONNA: Petition of citizens of Enderlin, N. Dak., for the Jones-Pointexter bills and against the Gillett retirement bill; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of Ellingson Hardware Co. and others, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, for the Hanna bill, to provide for payment of \$300 annually to each rural mail carrier; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of Astoria (Oreg.) Central Labor Council, against Asiatic immigration; to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Andrew C. Haydon (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. HAMMOND: Petition of S. F. Fain and four others and Arnold Hillesheim and 26 others, of Sleepy Eye, Minn., for extension of parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Minnesota National Guard Association, for bills H. R. 28436 and S. 9292; to the Committee on Militia.

By Mr. HOLLINGSWORTH: Petition of farmers' institute held at Bloomingdale, Ohio, in favor of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of farmers' institute of Bloomingdale, Ohio, favoring election of Senators by popular vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HOUSTON: Petition of J. S. Conrad and others, of Talley, Tenn., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of citizens of the first congressional district of Kentucky, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KOPP: Petition of Dr. Charles Egan and others, against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KRONMILLER: Paper to accompany bill for relief of Robert K. Lowry (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. LEE: Papers to accompany bills for relief of Henry C. Armstrong and John Loughmiller; to the Committee on Invalid Pensions.

By Mr. MCKINNEY: Petition of Civic Improvement Commission of Moline, Ill., for continuation of practice of printing return card by the Government on stamped envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Floyd and Coldbrook townships, in Warren County, Ill., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of business men of La Harpe, Ill., against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MILLINGTON: Petition of retail druggists of Rome, N. Y., against House bill 25241, restricting sale of drugs; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Branch of the National German-American Alliance, for House bill 9137, for a monument to the first German settlement in America; to the Committee on the Library.

By Mr. MORSE: Petitions of citizens of the tenth congressional district of Wisconsin, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Journeymen Tailors' Union of Ashland, Wis., against increasing the tax on oleomargarine; to the Committee on Agriculture.

By Mr. MURDOCK: Petition of citizens of Wichita, Wellington, McPherson, Mulvane, and Dolepark, all in the State of Kansas, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. PAGE: Petition of Legislature of the State of North Carolina, for New Orleans as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. PEARRE: Petition of Travelers and Merchants' Association of Baltimore, Md., indorsing Washington City as site for the Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Norman Council, No. 31, Junior Order United American Mechanics, Hagerstown, Md., asking Congress to promote stringent immigration laws; to the Committee on Foreign Affairs.

By Mr. POINDEXTER: Petition of the Walla Walla Trades and Labor Council, relative to disposition of the Fort Walla Walla tract of land; to the Committee on the Public Lands.

By Mr. PUJO: Petition of many citizens and business firms in the seventh Louisiana congressional district, against rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of estate of François Meullon; to the Committee on Claims.

By Mr. SHARP: Petition of Hurd Post, No. 114, Grand Army of the Republic, of Mount Gilead; Jacob Young Post, No. 539, Grand Army of the Republic, of Frederickton; Runyon Post, No. 147, Grand Army of the Republic, of New London, all in the State of Ohio, for amendment of the age pension act, 1907; to the Committee on Invalid Pensions.

Also, petition of Norwalk Council, No. 189, Junior Order United American Mechanics, for restriction of undesirable immigration; to the Committee on Immigration and Naturalization.

Also, petition of Massachusetts Civil Service Association, approving extension of civil service to cover assistant postmasters and postal clerks; to the Committee on the Post Office and Post Roads.

Also, memorial of the Walla Walla Trades and Labor Council, relating to the disposition of the cavalry post at Fort Walla Walla, in Washington; to the Committee on Military Affairs.

By Mr. SHEFFIELD: Paper to accompany bill for relief of Michael T. Holden; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Eugene Brooks and seven others, of Birmingham, Mich., and Charles H. May and 16 others of the sixth Michigan congressional district; to the Committee on Post Offices and Post Roads.

By Mr. SHEPPARD: Paper to accompany bill for relief of Caleb A. Worley; to the Committee on Invalid Pensions.

By Mr. STERLING: Memorial of members of the Christian Church and members of the Methodist Episcopal Church of Mechanicsburg, Ill., favoring the Miller-Curtis bill (H. R. 23641); to the Committee on the Judiciary.

By Mr. SULZER: Petition of Newman & McBain, favoring liquidation of the French spoliation claims; to the Committee on Foreign Affairs.

Also, petition of James Byrne, for increasing salaries of Federal judges; to the Committee on the Judiciary.

Also, petition of Southern California Homeopathic Medical Society, against the Owen health bill; to the Committee on Interstate and Foreign Commerce.

By Mr. WICKLIFFE: Papers to accompany bills for relief of estate of Joseph A. Landry, Gertrude Nolasco, and Adorea Honore; to the Committee on Claims.

HOUSE OF REPRESENTATIVES.

SUNDAY, January 22, 1911.

The House met at 12 o'clock m., and was called to order by Mr. BINGHAM, as Speaker pro tempore.

The following prayer was offered by the Chaplain, Rev. Henry N. Couden, D. D.:

Our Father in heaven, moved by a natural desire, a common impulse, we are gathered here to-day to pay a last tribute of love and respect to two Members of this House who proved themselves worthy of the confidence reposed in them by their fellow countrymen. Both typical American citizens, who, by dint of their own efforts, carved out for themselves careers which made them conspicuous for honest endeavor, clean living, and integrity of purpose. Recognized as such, they were chosen leaders for the promotion of good citizenship, commercial interests, and the public welfare.

We thank Thee for their lives, for what they did, and we pray that their memories may live to inspire those who come after them to lives of purity and usefulness.

We know not what the future hath
Of marvel or surprise;
Assured alone that life and death
His mercy underlies.

Comfort their dear ones by an ever-abiding faith in the eternal goodness of God our Father; and help us to realize that the greatest tribute they or we can pay to their memory is to copy their virtues and leave behind us, if possible, the world a little better than we found it. In the spirit of the Lord Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

EULOGIES ON HON. WILLIAM W. FOULKROD AND HON. JOEL COOK.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following resolutions (H. Res. 926).

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. WILLIAM W. FOULKROD, late a Member of this House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of to-day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on the adoption of the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following resolutions (H. Res. 927).

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. JOEL COOK, late a Member of this House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on the adoption of the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, under the order which convenes the House in extra session to-day, it becomes our duty to pay tribute to the memory of our lamented colleagues, the Hon. WILLIAM W. FOULKROD and the Hon. JOEL COOK, both of Pennsylvania. These distinguished Members, representing adjoining districts in a city and State of which they were typical sons, entered the House together at the opening of the Sixtieth Congress, and by one of those strange fatalities of circumstance so often witnessed in affairs mundane, departed from it, one so closely following the other that sympathy and coincidence seemed to have governed the fate of both.

Mr. FOULKROD was the first called. After an illness which incapacitated him throughout the entire campaign of September and October, 1910, he died at his home in Frankford, Philadelphia, while the returns of the November election were being counted. Mr. Cook, though weak from the effects of a previous illness, had attempted to resume his duties at Washington, but was stricken at his hotel a month later and died at his home in Philadelphia.

Mr. FOULKROD represented the fifth Pennsylvania district; Mr. Cook the second district. Both districts adjoin the third, which it is my privilege to represent; so that all of us were necessarily associated in congressional work, as we had long cooperated in public and private affairs before any of us entered these national halls. I had known Mr. Cook longer than I had known Mr. FOULKROD, and at the proper time I shall ask the privilege of submitting some expressions with regard to him; for the present it is my purpose to dwell particularly upon the life, the character, and the public services of Mr. FOULKROD.

If I were asked to characterize in three words the sum of all the qualities of my lamented colleague, I would denominate him "public-spirited citizen." Mr. FOULKROD was descended from one of the old Philadelphia families, resident for many generations in the district known as Frankford. His early training was along commercial lines. He entered business life in a small way, engaging subsequently as a partner in a mercantile enterprise, eventually taking rank as a merchant in the leading wholesale dry goods house of Philadelphia. He was for some time a partner of John Wanamaker, now generally recognized as the greatest American merchant. His business interests took him abroad and enabled him to become expert in questions affecting textile manufactures.

It was this special knowledge that made him an invaluable Member of this House during the discussion leading up to the